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OF
Governor S. V. Stewart
OF
1913—MONTANA—1920

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MESSAGES
and STATE PAPERS

of

Governor S. V. Stewart

of

MONTANA

1913—1920

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THIRTEENTH ASSEMBLY
1913

MESSAGE.

Mr. President and Members of the Thirteenth Legislative Assembly:

The laws of Montana require that the Governor submit to you at this time such information and recommendations as he may deem pertinent. The same Constitution and Statutes define the respective functions of the three branches of the government. The chief present concern, therefore, involves an intelligent understanding not alone of the legal duty but as well of the official and personal obligation imposed thereby.

No one of us was elected to office as a personal compliment or as a means of affording a holiday. Public office may or may not prove pleasant and satisfactory to the individual, but it should always carry serious responsibility. The truest and most enduring satisfaction to be derived from official life must ever result from calm and serene contemplation of a work completed and well done rather than from careless ease and comfort in office.

The Thirteenth Legislative Assembly may and should make a record for efficiency that will compare most favorably with any past session. To do this two things are essential and should at all times be kept 'n mind:

First: A clear understanding of the finances of the State and a consistent application of that knowledge in making appropriations;

Second: A full realization of the fact that the people who sent us here as their representatives have declared at the polls in no unmistakable terms that certain reforms must be forthcoming.

Care in Appropriations.

Our State is rich in resources but not in ready money. Our institutions are building and need cash. However laudable may be the ambition and desire to speedily complete and equip them and thereby enlarge the immediate scope of their influence, we must face the fact that there is only a limited sum available. Care must be exercised in all matters touching appropriations. It is the duty of every member to carefully study the various financial statements submitted.

A contract exists today between the people on the one side and the present administration on the other. We made a proposal, either personally or through the medium of the platform of principles upon which we stood for office, that if successful we would enact certain measures of proposed legislation. The people accepted the proposition. The minds met and there was a complete contract. Its terms are plain, specific and entirely possible of execution. Nothing now remains to prevent our living up to each obligation thereof. A failure to give to the people the promised reforms can be nothing short of repudiation. Our duty, therefore, is evident, although it may not be performed without much studious effort.

My part is to recommend and approve. The former I do most emphatically, and the latter I stand ready to cheerfully perform. You are now face to face with your convenant of the contract. Prompt and effective fulfillment is confidently expected.

Subjects of Legislation.

The reforms which the people demand were promises not only by the majority party, but were included in the platform declarations and pledges of all three of the political parties represented in the membership of this Assembly, and include the following:

A law providing for a Tax Commission with full power to adjust and equalize the assessment of property. This may be accomplished by the enlargement of the powers of the present Board of Equalization; by

the creation of a new Board; or the power may be vested in some Board already in existence. The former seems the more feasible.

A Public Service Commission law. The business of public service corporations operating in Montana should be regulated. The present Board of Railroad Commissioners can do this work and thereby obviate the necessity for and expense of a new Commission.

A new highway law. Road construction and repair are important to all classes. The present law was never satisfactory or adequate. The growth and settlement of the State have made action in this regard seem imperative.

A law relative to forests. Disastrous fires have demonstrated the necessity for measures of protection and prevention.

A law defining the liability of employers and regulating the compensation of employes for accidents received in the course of employment. Our method of dealing with such cases is satisfactory to no one. A new and comprehensive law on this subject will benefit the employer, the employe and the taxpayer.

Supervision of Investment Companies.

A law providing for the supervision of all investment companies and promotion enterprises in the State. We have legitimate resources in this State sufficient to warrant the capitalization of all of the companies that are required. Outside fake promotion schemes should be excluded. We should welcome all legitimate business, domestic or foreign, and a "blue sky" law of fair intent will not interfere with the business of such concerns.

A law regulating the apportionment and use of water for power purposes. Such a law will not only protect the present generation but will conserve for the future.

A law authorizing the Governor to submit bills for the consideration of the Legislative Assembly, and, if rejected by that body, to refer any such bills to the voters for their approval or rejection; and also permitting the Assembly to make reference of bills vetoed by the Governor.

A law providing for the appointment of a Dairy Commissioner. The work of this Commissioner should be done under the auspices of the Agricultural College. It is an important matter and will affect the success of an increasingly-important branch of business, in addition to the protection to be afforded the general public in insuring clean food products.

A law providing for the levy of a direct tax for the support of each of the State educational institutions. In my opinion this is a subject of grave import. A proper measure of the kind indicated will insure the success of these institutions in a way not otherwise possible, and will at the same time remove the necessity for lobbying on the part of those specially interested in the various State institutions.

A law providing for the establishment of a system of grain classification and inspection, and the regulation by a commission of the service and charges by elevator and warehouse operators. Our State is rapidly taking its place as a grain producer on an extensive scale. Legislation along this line is needed now and will be more acutely necessary in the future.

Department of Agriculture.

A law providing for the division of the Bureau of Agriculture, Labor, Industry and Publicity into two departments. There has been no factor more potent than this department in the advancement of Montana's interests, but the very term itself implies too much. The Bureau is growing rapidly and it is becoming more and more apparent that the departments of labor and agriculture would each profit by a division. A commissioner peculiarly fitted for the work of the labor department

is rarely equipped to direct the agriculture and publicity division with the highest degree of efficiency. On the other hand an expert agriculturist is not always competent for the labor branch. It seems to me that the department of labor might with propriety include the now separate departments of Mine Inspector, Coal Mine Inspector and Boiler Inspector. This would curtail the expense of clerk hire and of the printing of separate reports from these several departments, and bring about more unity and greater efficiency in the different branches of labor. So also does the work of the publicity department fit in with the agricultural work.

A law providing for the summary removal of officers who fail or refuse to perform their duties. In municipalities the Mayor is clothed with the power to summarily remove those who do not properly execute their duties. No such power is given the Governor, nor is it vested elsewhere. No reasonable objection can be urged in opposition to such a provision. Many reasons exist for such a law. There is absolutely no provision for emergencies under the State administration. The power of removal vested in the heads of municipalities has been conducive of much good and has seldom been abused.

A resolution submitting to the voters the question of amending the Constitution by striking from Section 2 of Article IX. thereof the word "male."

The foregoing subjects of proposed legislation have been fully discussed by and with the people of the State. The one compelling reason for urging them here is the simple fact that the people have expressed their wishes in the premises. I have not sought to outline the details of bills, having no desire to take legislative functions upon myself. All of the subjects contemplated can be covered by ordinary bills for laws or Constitutional amendments, and I recommend them to you for prompt consideration and action.

Panama-Pacific Exposition.

Your attention is called to the importance of a proper participation by the State of Montana in the Panama-Pacific International Exposition to be held at San Francisco in 1915. The State should be represented within the means available.

The law now in force relative to the investment of the permanent school and university funds in farm mortgages has been found to be of little use. A law of broader scope will accomplish beneficial results in this particular.

The general use of gasoline engines in vehicles and farming and other machinery makes pertinent the suggestion that there should be a law establishing a standard quality of gasoline and other oil products offered for sale. The gasoline brought into the State at the present time is notoriously bad.

I recommend the passage of an automobile license law for this State. This law should take from municipalities the right to license and provide a general license system under State authority.

The different State officers have submitted detailed reports of the work of their respective departments. Many recommendations of merit are contained therein. You will have these reports before you for appropriate action on your part.

Enrolled Militia.

Complying with the provisions of Section 1049, Revised Codes of Montana of 1907, I have the honor to advise you that, according to the returns of the County Assessors of the several counties of the State, the number of able-bodied male citizens qualified for the performance of military duty is 45,052.

Disbursements by the Governor.

In accordance with the provisions of the Constitution, I submit the following statement of the expenditure of all moneys belonging to the State and by the Governor paid out to the State Treasurer, for the biennial period ended November 30, 1912:

Five per cent, U. S. land sales in Montana	$65,995.12
U. S. forest sales in Montana	217,515.79
U. S. aid to Agricultural College	100,000.00
U. S. aid to Soldiers' Home	17,225.00
TOTAL	$400,735.91

Conclusion.

The length of this message has been curtailed in the hope that the strength of the recommendations may be correspondingly augmented. Later in the session such additional matters as may require consideration at the hands of the assembly will be communicated by special message.

This, my first official communication to your honorable body, is submitted not alone with a profound realization of the responsibility assumed with an oath of office, but as well with a sincere desire to co-operate with you in all things which contemplate the welfare, prosperity and happiness of Montana citizenship. I am possessed of a full measure of confidence in the membership of this body and I firmly believe that each member is beginning his duties imbued with a high resolve to so legislate as to promote the well-being of the commonwealth, and thereby afford to the people the amplest justification for the faith expressed by them at the polls last November.

S. V. STEWART,
Governor.

VETO MESSAGES.

TAX EXEMPTION.

March 4, 1913.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I herewith return to your honorable body House Bill No. 181, introduced by Blake, entitled "An Act to exempt honorably discharged sailors and soldiers of the War of the Rebellion and honorably discharged sailors and soldiers of the War with Spain, the Philippine Insurrection or the Boxer Uprising in China, from the payment of road tax and poll tax", without my approval and with objections thereto, which are as follows:

In my opinion this bill is so broad as to exempt the persons enumerated from the payment of a property tax when levied for road purposes, and is therefore in direct conflict with Sections 1 and 2, Article XII of the Constitution.

The Attorney General of the State of Montana, answering my query as to the constitutionality of this Act, well says "the tax referred to in the bill is not confined to head or poll tax, but it appears to relate to head tax or poll tax of every description and also to road tax of every description. There are two methods of raising money for road purposes, one is the special road tax provided for in Section 1344, Revised

Codes, which is a poll tax or head tax, and in addition to this the regular or special levy for the purpose of raising money for the construction of roads or the payment of indebtedness as evidenced by bonds or otherwise theretofore contracted for the construction of highways or bridges. The phrase "tax of every description," would seem to be broad enough to include both of these systems of taxation. If, however, the bill is meant only to include the special road tax provided for in Section 1344 and the poll tax or poor tax, the bill is still violative of the provisions of our constitution, which prevents the enactment of local or special laws or granting "any special or exclusive privilege, immunity or franchise whatsoever" as contained in Section 26, Article V of the State Constitution, and probably in violation of the provisions of Section II, Article XII of the State Constitution."

The courts of many States have held that special privileges and inmunities, unless based upon very reasonable classifications, are in violation of the equal rights clause of the Constitution, so that under the decisions of other courts and of our own State, this bill would seem to be unconstitutional and therefore inoperative.

In view of the foregoing it seems proper to withhold my approval from said House Bill No. 181, which I therefore respectfully do.

Yours truly,

S. V. STEWART,

Governor.

Veto sustained by a vote of 59 to 0.

WHEATLAND COUNTY BILL.*

March 10, 1913.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

After deliberate and careful consideration I am transmitting herewith Senate Bill No. 145, "An Act to create the county of Wheatland, designate its boundaries, and provide for its organization and government, and to change the boundaries of Meagher, Sweet Grass and Fergus counties to conform thereto", without my approval and with my objection thereto.

In reaching a conclusion I have been moved by three principal considerations, either the first or second of which is doubtless sufficient to justify the exercise of the veto power; but it is upon the third ground that I wish to place the greater stress.

Proposition No. 1 has to do with the constitutionality of the measure. In this feature of the matter there is involved only the legal phase, and but one question is presented, to-wit: Has the Legislature the power to create the county by special act? Good lawyers give contradictory answers to this question. I have read the authorities available on the subject, and the opinion of the Attorney General, and can come to but one conclusion, and that is that in the light of the law, and especially in view of the utterances of our own Supreme Court in the past, that Court would more than likely hold that the Legislature has exceeded its authority in passing this bill. Assuming this to be true, the question often asked me by advocates of the bill becomes pertinent, to-wit: "Why not permit the bills to pass this department so that the Court may decide the question for itself?" My answer to that is simple: If there were no other question involved, I would gladly take such a course.

The second consideration involved has to do with the manner of the passage of the bill. An intimate knowledge of the conditions which existed in the Legislature during the pendency of this bill convinces me that the measure could not have been passed by the two houses alone and standing solely on its own merits; not but what it may have merit ample to justify its passage, and to spare. The point that I wish to make is that it was not that merit which determined its fate. The same is also true of each of the four county division, or creation, bills now before me. A combination was formed which included the friends of each bill. I make the bold assertion that without that combination no one of the bills would have reached the executive office. Not only was there co-operation between the friends of the different county bills, but there was "legislative logrolling", which influenced many measures entirely foreign to county division. Bills which otherwise would have had an entirely different fate were passed or defeated by the influence of county division alliances, the fact being that this class of special legislation influenced general legislation to so marked a degree as to be apparent even to the most casual observer; and yet this condition might not be potent enough to move me to veto but for the third and, to my mind, all-sufficient reason.

Above and beyond the question of whether the Legislature can create a new county by special act the fact is that the people can do so themselves. There is a general law in force in Montana, which was enacted two years ago. That law is effective. It has been tested in court and in the field. Three new counties have been created in accordance with its provisions—created by the people affected, created by those who must bear the burdens and responsibilities of county government and who will enjoy the fruits thereof. This to my mind is right and proper. It is in accord with the popular sentiment of "let the people rule"; it is "home rule", and it is in contradistinction to the conditions existing in the Legislature where a vast number of members voted for the creation of counties from territory which they had never seen except perhaps through the triple-plate glass in the window of a modern, fleeting Pullman car. If it is a fact that a Legislator, under these conditions, can cast and does cast a more intelligent vote than would a score or a hundred citizens of the affected territory, acting under a general law which affects all alike, my reasoning is wrong and my conclusions necessarily so. I cannot bring myself to believe in the latter theory.

Much as I dislike to exercise the veto power, I feel impelled to do so in this case, and therefore transmit the bill with this my disapproval of the same.

Yours truly,

S. V. STEWART,

Governor

An identical message was transmitted with Bills seeking to create the Counties of Wibaux, Clay and Richland.

FORM OF BALLOT.

March 21, 1913.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I herewith transmit to you, without my approval and with my objections thereto, House Bill No. 345, being "An Act to amend Section 545 of the Revised Codes of Montana of 1907, relating to the form of ballot."

This bill is merely the re-enactment of Section 545 of the Revised Codes of Montana of 1907, omitting therefrom certain provisions which prohibit the appearance on the official ballot used at general elections of the name of any one individual on more than one party ticket or in more than one place on the ballot.

In my view of the case the elimination of this provision would at least violate the spirit of the primary law, which was enacted on the initiative of and by the votes of the people at the recent general election. The primary law provides specifically that a man may have his name on only one party ballot at any primary election, and the succeeding provisions clearly indicate that nominations by parties or by a given designation are alone recognized.

That law was enacted by the people in the light of the present Section 545. As the section now stands the same general purposes would seem to remain inviolate throughout the primary and general election law; but with the provisions eliminated, which this bill seeks to eliminate, fusion would be prohibited at primaries and permitted at general elections.

I doubt if the people of the State are in favor of such an enactment. The general primary law has not been tested in this State, and until that law has been tested and found wanting, that and the other sections left in effect by the people with which to carry out the methods therein defined should not, in my opinion, be amended.

Yours truly,

S. V. STEWART,

Governor.

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FOURTEENTH ASSEMBLY
1915

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MESSAGE.

Gentlemen of the Fourteenth Legislative Assembly:

Legal requirement and personal pleasure here merge in an effort to discuss with you some of the more important problems, which duty presents for official solution. It is a distinct pleasure to extend to you a hearty welcome to the Capital, the seat of your principal activity for the next sixty days. It is a manifest duty to endeavor to impress upon you the importance of action along the lines of legislative requirements, as I view them.

This meeting of the Legislative Assembly of the State of Montana is here convened in regular session. We meet today in accordance with a mandate of the Constitution. This is one of the fixed times denominated by the framers of the Constitution for the meeting of the representatives of the people to take stock. It is safe to say that no great emergency confronts the State or its people, otherwise a special session would have been called. It is for us here to look over the record of the past with judicial inquisitiveness, to view the present with calm appraisal, to peer into the future with intelligent comprehension, and withal to so act as to abundantly justify the confidence of the founders of the commonwealth, bring to our citizens of today as great a measure of prosperity and happiness as may be possible, and insure to the people of tomorrow the transmission of government well suited to the needs of an industrious and intelligent population of ever increasing proportions.

We meet in peace, amid peaceful surroundings. Our prime object, our only desire, is to solve the civic problems of the hour. Elsewhere throughout the civilized world legislative assemblies are convened for the consideration of war budgets, called upon to devise ways and means for raising money and mustering men to be used as pawns in the grim game of war—all to be sacrificed on the altar of violence, to perish in the furtherance of the ambitions of kings and princes.

It might not be ultimately unwise, therefore, to pause a moment as we are about to begin the serious duties of the session, and contemplate the unprecedented devastation, the unbelievable destruction of property and the unparalleled loss of life that daily obtains in countries heretofore classed as more highly civilized than our own. In this contemplation there is food for thought and abundant subject matter to adorn any tale and point a moral most impressive; but above all there is for us in such contemplation much ground for congratulation, much reason for felicitation, and great substance for pardonable pride in the apparent strength and enduring qualities of our western hemisphere Anglo-Saxon civilization. Our commonwealth—great in area, in potential wealth, in future possibilities of development, in the sterling character and fiber of its citizenship—is but one of the integral parts of a greater commonwealth, the United States of America, the only world-power nation now at peace with all the world and enjoying the friendship of the people of every clime and every country.

You have come from the people. You represent the people for the time and are the State. Your utterances here will be like unto the voice of the commonwealth. Citizens, society and government must be ruled by your decrees until the people, the source of all power, choose others to speak for them, to represent them. You will make mistakes; we all do that, and we will continue so to do to the end of our lives. All that can be required of us is that we do the best we can with the knowledge and ability we possess.

That you have unbounded faith in the country in which you live, in the State that gives you shelter, and in our form of government, and institutions, goes without saying; but this is no more evident than that you enjoy the confidence of the people whose mandate to speak for them

is evidenced by the certificate of election carried by you to this Assembly. Every man of you hopes to return to his people in the enjoyment of a greater measure of their confidence by reason of his service for them. This is only possible after great effort, studious attention to business and the exercise of calm judgment. Knowing the men of this Legislature, I am convinced that much good will result from your deliberations.

Montana is experiencing a period of great growth. People are coming to us from many States and foreign lands. They come primarily to seek homes and enjoy prosperity for themselves, but they remain, perhaps unconsciously, yet nevertheless surely, to participate in the affairs of State. They cannot be with us without being of us. If they constitute part of our citizenship, create part of the wealth, pay part of our taxes, they must and should participate in our government. We welcome them to our broad fertile plains and valleys, to the health-giving, invigorating climate of our mountain home. We extend to them the privilege of making tangible and real the riches and treasures of our vast mineral resources and agricultural possibilities. We invite them to convert these resources and possibilities into real money, into visible values for their own material satisfaction and the enrichment of the State. They have a right to a voice in the making of the conditions which shall govern these activities, and we should and do welcome them to a participation in the serious legislative affairs of the State.

With the growth and development of the State and the enlargement of the population new schemes are advanced, some of them based on actual needs and other upon fanciful theories. It is for you to say what proposals are substantial and necessary and what are impractical. Recent years have witnessed tremendous changes. There has been a shifting of the centers of population, there has been growth, development and expansion. Only a short time ago this was pre-eminently a mining State. Today, by common consent of all, Montana is denominated a great agricultural domain. All of this has occurred without the dwarfing of and without injury to any other industry in the State, and without a backward step in any material matter.

The State is no longer one of the infants in the sisterhood of States. It recently celebrated its twenty-fifth anniversary as a State and its fiftieth as a Territory. The State is discarding the playthings of immaturity and is proudly wearing the habiliments of youth. It will soon enter into the substance of maturity. Already there is evidence of a calmer, quieter, yet none the less hopeful, view of affairs. While it is a privilege to contribute to the material growth and prosperity of the State, it is an honor of high degree to have official part in shaping the laws and conditions which must either make for a continuation of the rapid growth and substantial development now so evident, or otherwise tend to hinder, hamper and delay the realization of the day when Montana must inevitably come into her own in wealth and population commensurate with her resources and area.

At the risk of being called "old fashioned" I am going to suggest that the strong, vigorous, youthful State needs healthful exercise rather than legislative medicine; needs to be let alone rather than to be pampered and doctored; needs encouragement to exercise each limb of its material wealth. If given an opportunity the State will develop, grow and attain unusual proportions in all of those things which make a State truly great. Our resources must be developed; our riches must be taken from the mine, from the soil, from the water, extracted from the sunshine and the raindrop, before they can be comprehended as useful, substantial things. In all of this nature must inevitably play a large part. Nature should be turned aside in her course; rather, substantial aid should be rendered. You can assist, but the means employed must not amount to restraint. You can provide regulation in needed directions, but it must not be extended beyond the point of sanity and reason.

Therefore, it is highly important that this Legislature should move with discretion and with care, but none the less surely and effectively. Some new laws are required for the proper development of the State, for the regulation of the commerce and business of the people and for the protection of the individual and of society. There is little need for drastic or radical legislation. No great revolutionary principles are involved in the matters that I shall suggest, or in the subjects that will otherwise come before you for consideration. Reasonable reforms should be adopted and enforced—reforms that will make for the betterment of the people in their nation-old endeavor to successfully realize and maintain their inalienable ambition in the pursuit and enjoyment of life, liberty and happiness. We cannot always apply the rules and regulations applicable to old communities. It seems to me that this Legislature can well afford to "stand by" as it were and see the State grow, lending a helping hand here and there as exigencies of the occasion seem to demand, to remove an obstacle, to make the course smoother and easier for the natural growth and development that is bound to come.

I shall tell you quite as frankly as the constitution and statutes seem to contemplate just where it seems to me that needed and material assistance may be given and extended; just wherein the people of the State may be afforded relief and benefit by legislative activity on your part. When I have told you these things it is for you to do or not to do, as your good judgment and consciences may dictate. But you are by no means limited in the scope of your activity to the recommendations here made.

Appropriations.

No message would be well begun without reference to appropriations. I have recently read with much interest the messages of my illustrious predecessors. It is observed that in every message transmitted to a Montana Legislature, the Executive laid considerable stress upon the questions of appropriation and economy. I wondered if that was a feature peculiar to our own State and I took the trouble to read messages of Governors of nearly all of the States of the Union. This State is no exception to the rule. The same warning is contained in some form in almost every message by a Governor to the Legislature of his State. I have, therefore, taken the position that in unanimity there is justification. This Legislature has an opportunity to make a record in financial efficiency. A good beginning can be made in the matter of legislative employes, and a reputation thus established may be maintained by careful scrutiny of all requests for appropriations.

General Conditions.

Generally speaking the State and the people have enjoyed peace, health and prosperity during the last two years. Special instances of disorder have occurred, but in the main we have every reason for congratulation.

One of the special instances that tends to serve as an exception to the general rule is found in the Butte difficulties. It is not necessary and would not serve any good purpose to enter into a minute account of the causes leading up to and the circumstances which characterized the trouble at Butte. It is sufficient to say that the trouble did not arise in a moment, was not the result of a sudden impulse, but was the result of general dissatisfaction; was, in fact, a general revolt against the administration of the affairs of the Western Federation of Miners. For more than thirty years the Western Federation of Miners had dominated the labor situation in and around Butte, and for that matter had been the major influence in State-wide labor circles. Rumors of discord and charges of wrong-doing had been made from time to time, but no one believed that it was possible for any of these grievances to attain

magnitude enough to threaten the overthrow of the organization or seriously imperil its existence as a prime factor in civic affairs in Montana.

It was, therefore, with considerable surprise that the general public, even in Silver Bow County, witnessed the revolt from the union by a very considerable number of its members. This revolt was initiated on Miners' Union Day, June 13, 1914, and it was of such proportions and so violent in character as to not only involve the local union in great disaster, but to seriously imperil the peace and order of the community. Rioting and acts of violence characterized the day, and Butte was the scene of much turmoil, which gave ground for grave apprehension. The rioting was resumed on the succeeding Sunday, and at that time the regularly constituted peace officers found themselves unable to cope with the situation. The Sheriff appealed to me, as Governor, for military aid. Before complying with his request, I proceeded to Butte and remained there in consultation with the representatives of the different factions, with public officers and citizens, for two days. By that time quiet was restored, and it was decided that military interference would not be justified.

The trouble was not settled, however, and on the night of June 23, there was a further outbreak that resulted in the total destruction of the Miners' Union Hall, which had been partially destroyed on the thirteenth of the same month. This time there was general consternation and universal fear was expressed by the people of Butte. It was not possible to mobilize and utilize the State troops in time to do much good in this outbreak, but it all served to warn those in authority of the possible necessity for the intervention of the State in the ultimate restoration of complete peace in the camp.

Up to this time there had existed in the minds of the authorities some doubt as to the status of the Montana National Guard, and as to its efficiency. The repeal of the Donohue Military Bill by referendum vote had left the laws in a state of uncertainty. There had been no mobilization of the troops during the present administration and we had little knowledge as to the personnel thereof. In the month of July the National Guard participated in drill and maneuver at Fort Wright, Washington. It was my duty and pleasure to there witness the officers and men at work. I was most forcibly and favorably impressed with the appearance, spirit and very apparent qualifications of the men composing the Guard. From that day forward I felt an abiding faith in the ability of the Guard to give a good account of itself if the time should come for resort to the military arm of the State.

During all of this time the trouble in Butte smouldered and seethed and a peaceful settlement thereof became daily more impossible. In the latter part of August the volcano blew up and one act of violence followed another in such rapid succession, disorder and rioting became so prevalent, that local authority was paralyzed, or indifferent, and there was no one in authority in Butte who could or would stem the tide of lawlessness.

It was then that the National Guard was mobilized, equipped, entrained and dispatched to the seat of the trouble. Be assured that those were anxious, not to say perilous, hours. The sovereignty of the State stood at bay, the processes of the commonwealth remained unserved in the hands of those charged with the duty. The "rebel chieftain" had thrown down the gauntlet. Rumors of armed resistance were rife and appeals for personal protection were many. The good name, the fair fame, the well-earned reputation of half a century, were hanging in the balance. The structure of civic righteousness, whose foundations were laid deep and solid by the Vigilantes of Alder Gulch fifty years ago, was assaulted more openly and with greater violence than ever before. It was no longer a question of unionism. Local color had faded. Butte

and Silver Bow County were but incidents. The great questions to be settled, and settled quickly and effectively, were spelled in the lettering of the words "law and order."

For the restoration of order, for the vindication of law, the young men of the National Guard, the youth of Montana, took up arms and marched forth to face dangers to them, and to me, at that time unknown and uncertain, but of aspect most threatening and fear-inspiring. Not one faltered, no one hesitated, and in the calm self-possession, the very evident spirit of bravery and determination which pervaded that troop there was born a confidence which inspired the men of the uniform and simultaneously frightened and deterred those who had dared to oppose the rational and reasonable processes of the State for the protection of life and property.

Not a shot was fired, not a life was lost, not a citizen was disturbed in the course of his lawful occupation. At the same time peace was restored and law and order re-established, and when the task had been accomplished, the Guard withdrew quietly and unostentatiously. The lesson was impressive, forceful and adequate, but it was devoid of violence. The result is known to the world. Every one now realizes that law and order must forever obtain, must be adequately enforced, and uniformly recognized; that property must be protected from violence and destruction, and that life must be and remain sacred and safe within all the broad confines of the commonwealth of Montana.

All of this cost some money. It involved much labor, and no small degree of anxiety and mental disquietude, to say nothing of the physical dangers imposed. But if it has served, as I believe it has, to impress upon the world a full realization of the fact that Montana is a safe place in which to establish a home, rear a family, make investments and pursue any and all of the human activities, whether social, material or intellectual, then the money has not been misspent. I trust that the expenditures made in this behalf may not cause embarrassment to the State government, but I realize that the unexpected necessity of thus taking from the treasury the very considerable sum involved must in some sense cause a reapportionment of the financial affairs, for the time being at least. That is my reason for calling these matters to your attention at this early day of the session.

All of this ought to impress us also with the importance of making ample provision for the National Guard of Montana, with the hope and in the firm belief that the necessity for its use may not arise again in the near future, but nevertheless with the idea of keeping the peace and protecting life and property at all times in the future as in the past.

Suggestions for Law Enforcement.

Experience in the Butte trouble must have impressed all with the importance of suitable provision for prompt and effective means of suppressing lawlessness and disorder before they reach a maximum. I am firmly convinced that a small force of non-resident peace officers would have controlled the Butte trouble without military interference if it had been possible to utilize such a force at the inception of the trouble. We have a great number of peace officers in this State who are not constantly employed. The sheriff's forces in the different counties are kept up to the maximum for emergencies, the Game Warden's force is considerable, and there are a goodly number of stock inspectors and other peace officers at all times under public pay. If you can devise some means of organizing these people into an emergency State police, for use in the rare instances where the necessity may arise, contingencies may be met and without any expense to the public. If it had been possible to send fifty experienced, determined officers, such as we have in the positions I have named, into Butte under the leadership of some good man instead of spending $125,000 in quelling the disturbance with

the militia after it had assumed vast proportions, the whole matter would have been adjusted effectively for a nominal sum. Your attention is respectfully directed to this matter.

Suspension From Office.

Former Governors of Montana have suggested removal and suspension statutes, but none have been forthcoming. I would respectfully suggest that an amendment to the summary removal statute now in force would meet the requirements. This statute has recently been found very effective, but the difficulty encountered is found in the fact that an accused officer remains in charge of the forces in authority during the pendency and trial of the action. An added provision giving the Governor authority in his discretion to suspend the official after charges have been filed and during the pendency thereof would meet the ordinary need and protect the local community. The officer would be restored if acquitted and no harm would be done. The vacancy could be filled in the usual manner provided by law for the filling of vacancies in such offices.

Race Track Gambling.

While it is important that existing laws should be enforced, it is also necessary that some new laws be enacted. While our State is changing industrially, there is an evident change of moral sentiment as well. A few years ago it was thought proper to regulate, license and control what is known as poolselling and bookmaking in connection with the sport of horseracing. Today, in my opinion, public sentiment makes it imperative that some action should be taken looking to reformation in this direction. Race track gambling, as it is conducted in the State of Montana, is immoral, degrading and destructive of good citizenship. In at least one community in this State it creates disorders of such nature as to almost entirely disorganize and disrupt the usual and ordinary course of business during the continuance of the race meet.

It has been suggested that a commission should be created and that horse racing and the incident betting and poolselling should be handled and controlled by the commission. Two years ago I might have believed that this course would meet with the approval of the people, but today I am convinced that it would not meet with the approbation of the majority of the citizens of this State. I base my opinion generally on the knowledge that I have of the people of this State and the views entertained and expressed by them. And especially do I base my opinion upon the fact that the people have recently expressed themselves in the negative on a similar proposition.

Two years ago the Thirteenth Legislative Assembly passed a bill entitled "An Act Establishing the State Athletic Commission and Regulating Boxing and Sparring in the State of Montana," being Chapter 97 of the laws of that session. The bill was referred to the people under the referendum provision of our laws, and the people voted upon the question at the recent general election. The measure was defeated by a majority of more than eight thousand.

After the bill had passed both houses and while it was in my possession, pending executive action, committees of citizens waited upon me and requested that the bill be vetoed. After very full and complete hearings I made the statement to the committees that, in my opinion, this bill would prove an effective means of ascertaining public sentiment with relation to matters of the kind. I suggested to the protestants that the proper method of ascertaining the real sentiment of the people of this State was to approve the bill so that the protestants could resort to the referendum and obtain a vote of the people, either for or against the measure. The measure was approved and the suggestion was adopted, with the result that I have above indicated.

In my opinion, a commission for the regulation of horse racing would be no more popular than the one appointed under the boxing bill. Certainly no better commission could be obtained than the one appointed under the Kiley bill. The individuals composing the commission were highclass, honest and thoroughly imbued with the idea that the sport should be raised to as high a plane as possible. They conducted the "game" as fairly and as reputably as it was possible for it to be conducted. I am sure that the manner in which they discharged their duties brought to the measure a very considerable number of votes which otherwise would have been cast against it. And yet, with all that, the system was repudiated. I am, therefore, of the opinion that legislation on the question of race track poolselling is necessary, and that the legislation should not be along the line of regulation, but, rather in the nature of abolition.

In this connection I might suggest that the defeated athletic bill has left the sum of $2,569.87 in the hands of the State Treasurer, which sum is the property of the State and for which there is no method of disposition. You should enact some suitable measure providing for the conversion of this sum into some other fund, in order that it may be devoted to useful purposes.

District Judges.

When the State was admitted to the Union provision was made for an adequate number of District Judges. These officials are paid from the State treasury. Just what impelled the framers of the Constitution to make this charge against the State, I do not know. However, it is the law.

In 1899 Governor Robert B. Smith suggested that the salaries of District Judges should be made chargeable to the counties. Later Governor Joseph K. Toole made the same recommendation. Nothing was ever done to bring about the reform. While I do not desire to insist that this change be made at this time, yet, in view of the fact that new counties are being created very rapidly and more Judges demanded, something ought to be done at least in the way of equalization.

It is evident that there are more Judges in some of the districts of this State than the necessities of the districts require. It is also evident that some of the Judges in the eastern and northern part of the State are unable to adequately discharge the judicial duties of their respective districts. In view of the fact that the State pays all District Judges, it seems to me more reasonable that there should be a distribution than an increase in the number of Judges. This may be accomplished either by redistricting the State or by making some suitable provision for the assignment of Judges for duty outside of the district in which they are elected. Judges are State officials and work for the State, although they are elected by the people of a given district. Neither the people nor the Judges should complain if the necessities of the State require the performance of duties beyond the confines of the districts in which the Judge is elected.

New Counties.

The question of District Judges suggests the proposition of new counties. Four years ago the Legislature enacted a general law for the creation of new counties. Several counties were created under it and the law was found to be effective. Two years ago the Assembly amended the law in some important particulars. The assessed valuation required for the creation of a new county was very considerably lowered and the percentage of votes required was reduced from sixty-six and two-thirds per cent to a bare majority. Under the relaxed provisions of the law many new counties have been created and several more are contemplated.

While I have no criticism to offer as to the creation of those already in existence, yet I think it is evident that the business of creating new counties will be overdone in the very near future unless some check is put upon it. I would, therefore, respectfully suggest that suitable amendments be made to the general law for the creation of counties. I make this suggestion not alone for the protection of the State, but rather for the protection of the people themselves. The creation of new counties necessitates some outlay on the part of the State in way of payment of salaries for District Judges, County Attorneys, members of the Legislature and other incidental State charges. Yet the greatest hardships fall upon the taxpayers of the new counties. Officers must be paid, new buildings must be erected and costly improvements installed. In order to do that, tax rates increase and assessed valuations are inevitably raised.

Under the present system a continuance in the creation of new counties will very shortly increase the membership of the State Senate to such an extent that it will become unwieldy and unnecessarily expensive.

Bank Laws.

Since the adjournment of the last session of the Legislature the Congress of the United States has enacted a general banking and currency system. Under the provisions of the law there have been created certain reserve banks, the stock of these banks to be owned by the membership banks within the district, both National and State. Most National banks in the State of Montana are members of the reserve system and own stock in the district reserve bank.

Under the State law it is unlawful for our State banks to avail themselves of the advantages of this system. Many State banks are desirous of having the prohibition removed. I would respectfully suggest that a suitable law be enacted to remedy this condition. The banks of Montana, generally speaking, are very prosperous and they have grown in resources and in numbers. The State Examiner's office has been more than busy in examining banks during the past two years. Two years ago when the present State Examiner took his office there were 165 State and private banks in this State. Today there are 230 banking institutions subject to State inspection.

This increase in the number of State banks is surprising, to say the least. If the increase is normal and justified by business conditions in the State, it is a matter of congratulation. But if, on the other hand, and as has been alleged, some of these banking institutions have been organized and are doing business under circumstances which do not justify their existence, then they will prove a positive detriment rather than an advantage.

The doubt as to the necessity for these banks brings us to the proposition of our general State banking system. To my mind it is imperative that there should be necessity for a bank before it is chartered. Under the National system a showing must be made and the Bank Examiner must certify the necessity for the existence of a bank in a given neighborhood before a National charter will be given by the department. Some such regulation should be in effect in Montana; in fact, our whole State banking code should be redrafted and brought up as nearly as possible to the high standard achieved in the National banking system just going into effect.

In addition to the examination of banks, the State Examiner's office now has imposed upon it the duty of examining cities and school districts. It is certainly a very busy department, although it has been conducted in such a way as to make it profitable to the State.

Farm Loans and State Lands.

There was initiated and submitted to the people of the State at the last general election a bill providing for what was commonly designated "Farm Loans"—loans to be made from the common school and other educational funds under the control of the State Board of Land Commissioners.

It seems that the bill was drawn in such a way as to come in conflict with certain provisions of the Constitution. I would respectfully suggest that, the principle involved having been approved by the people, some suitable legislation should be enacted.

The Thirteenth Legislative Assembly enacted Chapter 121, which provided for the investment of these funds under certain conditions and included farm mortgages. It seems, however, that the provisions of this measure are not acceptable to the people in general. I would respectfully suggest that great care should be taken in framing such a bill by reason of the fact that the funds to be loaned are trust funds and should only go out under such conditions as to insure the safe return with a moderate rate of interest.

In the past the State Board of Land Commissioners has invested these funds in bonds and other securities, preference being given to school bonds in order to promote the cause of education. If the time has come when preference should be given in some other direction, provision should be made therefor. Personally, I am convinced that much good results from the purchase of school bonds, municipal, county and other securities. Yet I am satisfied that a certain amount of this money can be utilized to advantage in making farm loans. With our growing population the amount of money available will perhaps not satisfy the needs or the demands of the borrowers, but it may tend to regulate interest rates and promote better conditions with regard to farm credits.

In his very able message to the Legislature in 1899, Governor Robert B. Smith pointed with pardonable pride to the receipts of the State Land Office. The receipts of the common school income fund for the year 1898 were $52,585.22. The estimated receipts of the same fund for the current year are $704,473.13. How much more gratifying to us are the present day receipts, and yet these receipts are only available by reason of the fact that not one dollar of State school money has ever been misappropriated or lost by reason of bad investments. Such a record is more to be desired than great riches. To depart from so successful a system should involve great care and studious attention.

The school lands of this State are worth far more than a king's ransom, and they are becoming more and more valuable as time goes on. The wisdom of the provision fixing a minimum selling price is becoming more and more apparent. Under recent administrations the various land grants have been very largely augmented. Sales have been made and land taken over to fill said grants and to take the place of lands otherwise lost to the State. This work is continuing as rapidly and effectively as possible under the present State administration.

In addition to the general work of selecting lieu lands and filling the grants, the former State administration entered into an agreement with the general government for the exchange of certain lands. The Thirteenth Assembly authorized the expenditure of the necessary amount as the State's share of expenses incident to this exchange. Certain examinations have been made and the work is partially completed. It is probable that an exchange will finally be effected whereby 80,000 acres of land will be acquired in one body by the State. This land is nearly all timber land and will be of great value. The lands exchanged and relinquished by the State are Sections 16 and 36, and are scattered over vast areas of mountainous country. The land the State will get being in a body and being well timbered, is much more de-

sirable, while the Government officials consider it highly important that the State holdings scattered throughout the vast reserves should be transferred to the United States.

Printing.

In considering items of expense it is always proper to look to the matter of printing. Public printing runs into money very rapidly, and while it is highly important that an adequate amount of publicity be given to the work of the various departments of the State, yet some of the requirements of the present law make it necessary to incur very large and seemingly unnecessary expenditures.

There can be no just complaint on the ground of workmanship, service or prices charged. Under the contract just expired the work of the State printer has been performed promptly and in a workmanlike manner, and the prices charged have not been unreasonable for the stock and services furnished. The only criticism that I urge is of the law which makes it necessary to have all this printing done.

Your attention is particularly directed to the law compelling the publication of the State Treasurer's quarterly report. This report, although published in strict compliance with the law, does not give information of a tangible or intelligent nature to anyone not a bookkeeper. The money now spent for the publication of this report is wasted. The same is true of certain publications required to be made under the terms and provisions of our initiative and referendum law, and the primary and election laws. Attention and investigation on your part may effect a material saving in the matter of printing.

Primary and Election Statutes.

Some of the provisions of the new primary law and of the election law which was enacted by the people two years ago are badly involved and seem to be in direct conflict. These irregularities should be corrected by amendment.

For instance: One section of the Statutes requires that the vote on initiative measures shall be opened within thirty days after the election. Another requires that the votes on Constitutional amendments and for State officials shall be opened on the first Monday in December. All of the returns are transmitted in the same envelope. It is impossible to comply with both statutes. This is merely one of the several instances of conflict.

Compensation.

The subject of workmen's compensation has been before the people of Montana in various forms for some years. Two years ago the Legislature wrestled with it throughout the session. Thereafter a bill was initiated and presented to the people at the recent election. The proposed measure was defeated. It is evident, however, that the principle of compensation was not defeated, and that the defeat went merely to the provisions of that particular proposition.

The theory of compensation has been put into operation successfully in different States in the Union, and, whereas, two years ago it was more or less of an experiment, today I think it may be considered as a demonstrated success wherever it has been rationally employed. The opponents of the recently initiated measure did not assume an attitude of antagonism to all forms of workmen's compensation, but openly stated they favored a reasonable and just compensation law.

That being the case, it would seem to me that it is incumbent upon this Legislature to enact a reasonable, fair and proper compensation act. It should not be radical, because the people have declared they do not desire a radical law. On the other hand, a weak and in-

efficient law would be just as unpopular. The Legislature should take the matter in hand and enact a law that will be fair to employe and employer and to the public in general.

Election of United States Senators by the People.

After many years of persistent endeavor the law has finally been changed and United States Senators are elected by direct vote of the people. I have no doubt that the members of this Legislature and of Legislatures in general will feel a sense of relief by reason of this provision. While the people must elect United States Senators by direct vote, most States have enacted a statute providing for temporary appointments in case of a vacancy occurring between elections. Otherwise, one of two contingencies must prevail; either the State is denied representation or a special election must be held, involving the incidental expense. Practically all of the States provide by statute for appointment by the Governor, the appointee to hold until the succeeding general election. This matter is respectfully suggested as one meriting your attention.

Panama-Pacific and San Diego Expositions.

Two years ago the Thirteenth Legislative Assembly was unable to make appropriations for the Panama-Pacific and San Diego Expositions. The state of the Treasury would not admit of the required appropriations. Both houses, shortly before adjournment, passed House Concurrent Resolution No. 4, introduced by Cutts, providing for the appointment of a commission, to serve without pay, to solicit and receive contributions of money from counties, cities, towns, civic organizations, individuals and corporations and to administer such funds for collection, establishment and maintenance of proper exhibits and representation at these Expositions.

The Governor appointed a commission of fifteen. Later the commission was reduced to three members, consisting of Hon. David Hilger of Lewistown, Hon. F. S. Lusk of Missoula and Hon. Frank A. Hazelbaker of Dillon. These men have proceeded to raise money in various ways and have a good working fund. They are installing exhibits at both Expositions.

You will be called upon to assist in this matter in a financial way. While the State is not in a position to expend much money in this most laudable work, at the same time your attention is directed to the possible necessity of making provision for the expenditure of a reasonable amount of State money, if in your opinion the finances of the State will justify such expenditure.

Grain Inspection Department.

The Thirteenth Legislative Assembly enacted a law providing for the establishment of a Grain Inspection Department. The law has not proven satisfactory by reason of certain mistakes and uncertainties incident thereto. I would respectfully suggest that suitable amendments should be incorporated therein.

Tax Commission.

The last Legislature enacted a Tax Commission Law. This law has been in effect for more than a year and a half and has resulted in considerable benefit to the State. However, it has not been possible to achieve the maximum of benefit contemplated.

In my message of two years ago I recommended that there should be a Constitutional amendment relative to taxation.

The 1913 law provided for the appointment of county tax commissioners. These commissioners have never been appointed. In the opinion of the State Tax Commission undue expense would have resulted and no adequate benefits would have been forthcoming. The law is

ambiguous and uncertain in some particulars and should be amended. However, as I have heretofore suggested, a suitable Constitutional amendment may be properly proposed and submitted.

Indeterminate Sentence.

During the past two years I have devoted a good deal of time to the investigation of conditions and inmates of the penal institutions of this State. The State prison is in good condition and is conducted on business lines. However, I am convinced that suitable legislative enactment should obtain in order to admit of working the prisoners under conditions more favorable than can be done at the present time. The men should not be worked in competition with free labor, but there are many things that they can do without coming into competition with that class of labor.

During the past two years the State Board of Prison Commissioners has employed the men in road work and in construction of buildings for the State. The crowded condition of the Asylum for the Insane has been very materially relieved by buildings constructed by the prisoners under the direction of a free superintendent. The necessary expense has been paid from the maintenance fund of the asylum.

It seems to me but humane that these men should be given some consideration for their work. I have endeavored to reward them by reductions, commutations and pardons wherever it seemed to me that they had earned the same, and in addition thereto had evidenced a disposition and determination to reform and make good in the world. In this connection I would respectfully suggest the enactment of an indeterminate sentence law such as exists in many States of the Union.

State Institutions Generally.

It does not seem necessary to enter into a detailed report of the different State institutions. Each has made a report, and these reports will be forthcoming and at your disposal during the session. You are urged to read them carefully and study the needs of the institutions, so as to be the better enabled to vote on questions having to do with appropriations and other incidental matters.

In this connection it has occurred to me that the volume of business to be done by the present Legislature is not so extensive as to demand the constant presence of the members at the State Capitol, and in view of that fact, it would seem to me that no better or more profitable course could be pursued than that of inspection and examination of the different institutions, the buildings and grounds in connection therewith. The institutions are nearly all located within a convenient distance of the State Capital, and I am sure that a trip to any or all of these institutions will prove generally beneficial and personally pleasant.

Other State Departments.

Other departments of State have accomplished splendid results. Reports therefrom will be furnished to you, and I earnestly recommend your careful perusal thereof. Reforms will be required along certain lines and your attention will be called to these matters in later messages. I shall not attempt to burden you at this time by minute detail.

Agricultural Extension Work.

On May 8, 1914, the Congress of the United States passed what is known as the Lever Agricultural Extension Act, sometimes called the Smith-Lever Act. Under the provisions of this bill, and in order to make it effective, the Legislature of the State was required to assent thereto on behalf of the State; or, in case of the vacation of the Legislature, the assent of the Governor was sufficient until the Legislature should

convene. I gave formal assent to the bill and the matter is respectfully referred to your honorable body for appropriate action, the assent given by the Governor being effective only during the vacation.

Distribution of Forest Reserve Moneys.

Considerable uncertainty exists in this State relative to the distribution of forest reserve receipts. Past Legislatures have attempted to make provisions for the distribution of these moneys, but the Attorney General is of the opinion that no adequate legal provision now exists in the law for the proper distribution. It is, therefore, important that you should look into this matter and make suitable enactment.

Herd Law.

As the State is settled up and the industries become varied, there is more and more conflict of interests. There has been a good deal of agitation relative to what is known as a herd law. I am convinced that the enactment of a general herd law, such as exists in some of the older States, would prove disastrous. However, your attention is called to the fact that a local option herd law might be worked out with great benefit to certain sections of the State and with no injury to other sections differently located and not requiring the benefits of such a law.

Free Seed.

Numerous applications have been made to the different State departments for relief along the line of seed for farmers in drought-stricken districts of the State. It is only fair to say that good crops were raised and harvested in most sections of Montana in both 1913 and 1914. However, there are some sections where assistance would be thankfully received and worthily bestowed, if it can be legally accomplished.

Foot and Mouth Disease.

No great pestilence or catastrophes have been visited upon the State of Montana, its people or its industries within the past two years. However, the recent outbreak of foot and mouth disease threatened great disaster. Prompt and efficient action on the part of the Government and the State Departments has very largely removed danger from that source. Some of the results of this dreaded disease may be presented to you for appropriate consideration.

When Laws Shall Take Effect.

The Secretary of State very appropriately suggests that the laws enacted at this session of the Legislature shall become effective not upon approval, as has been the custom in the past, but somewhat later in the year; perhaps as late as the middle of May or the first of June. Of course, this should not apply to emergency measures and appropriation bills, but in all general legislation the suggestion of the Secretary of State may be adopted with safety and propriety.

It is highly important that the people of the State should have in their possession copies of the laws when they become effective. No man can observe a law about which he knows practically nothing. Of course, we are supposed to know the law the minute it is approved by the Governor, but that is a fiction. Much confusion obtains between the time the laws are approved and the time when the Session Laws are distributed to the public. No damage can follow in ordinary cases if the enactments are made to become effective about the time of the distribution of the Session Laws.

Enrolled Militia.

Complying with the provisions of the Statutes I have the honor to advise you that, according to the returns of the County Assessors of the several Counties of the State, the number of able-bodied male citizens qualified for the performance of military duty is 52,815.

Disbursements by the Governor.

In accordance with the provisions of the Constitution, I submit the following statement of moneys belonging to the State and received by the Governor and by him paid to the State Treasurer, for the biennial period ended November 30, 1914:

5 Per Cent. Government Land Sales	$61,736.43
25 Per cent. Government Forest Receipts	158,824.21
U. S. Aid to State Soldiers' Home	16,000.00
Total	$236,560.64

Conclusion.

In closing, permit me to impress upon you the fact that the taxpayers of this State are not demanding the creation of new offices or the passage of many new laws. You will be promoting your own best interests when you heed the wish of the people in this as well as in other respects. Reduce the number of your own employes, refuse to create new offices to be a charge upon the taxpayers, pass only such laws as are really necessary, transact the routine business, and adjourn in a timely and dignified manner. If you do this, your work will be well done and gratefully received by the public.

S. V. STEWART,
Governor.

SPECIAL MESSAGES.

INVESTIGATION OF STATE DEPARTMENTS.

January 18, 1915.

To the Senate and House of Representatives
of the Fourteenth Legislative Assembly,
Helena, Montana.

On Friday, the fifteenth instant, the Senate adopted the following motion:

> "That the Senate committee on committees be instructed to name a special committee of three, who shall proceed at once upon a thorough investigation of the departments of the State government, and that on or before the fortieth day of this session, this committee shall report back to the Senate the efficiency and the economy as to the administration of each department, and also as to the actual need or necessity of the existence of each and every department as viewed from the interest standpoint of the entire people of Montana. Their investigation shall include, and report thereon be made on all offices, bureaus, boards and commissions, the members of which are upon the payrolls of the State.
>
> "In the committee's report of their findings to the Senate, they shall submit any bills for remedial legislation in their minds justified by the existing conditions as found in this investigation. The commttee shall have full power to summon witnesses, administer oaths compel the attendance of any person or persons, and have full access to all public records."

In conformity with the terms of the motion a committee consisting of Senators Dwight, Edwards and Grande was duly appointed to carry out the provisions thereof. The committee has not yet begun its work, and I take this opportunity to address your honorable body with relation thereto.

The action of the Senate in this particular is a move in the right direction. A careful and complete investigation of all State offices and departments will most surely make for both efficiency and economy. Too often the people, and the Legislature as well, are unmindful of the fact that the business of the departments is largely done by mail, or by officers in the field, and the only actual knowledge of the methods and means of transacting the business is obtained by correspondence, or by conversations with the officials at some place about the State other than at the official headquarters. No adequate idea of the actual operation of an office or department can be thus obtained.

I am sure that I voice the wish of every State official, elective or appointive, when I say to you that we are not only willing to be investigated, but that we court the fullest and closest scrutiny of all. We welcome an opportunity to have the work of the various officials scanned and appraised at its true worth by those who are able and well qualified to pass judgment thereon. If the work is up to the standard it will speak for itself; and if it is not of a proper degree of excellence, I assure you that we are most anxious to be advised of any possible deficiencies. All of this to the end that proper and necessary reforms may be wrought out, not alone by Legislative action but by all possible administrative and supervisory means.

To justify the maintenance of any department there should be necessity therefor and efficiency as well as an economical administration thereof. No person has an inherent right to an office, and no office or department is sacred or should exist beyond the period of its usefulness, even though that office were created by you two years ago. It is for the law-making body to make such changes as may be necessary and expedient. It is for you to say what shall or shall not be done. You can only arrive at an intelligent determination of these problems after proper investigation.

The investigation, to be of real value to the State and to the taxpayers, to whom we are all ultimately responsible, should be full, comprehensive and fair. Partisanship should not obtain in any particular, and personalities should have no place.

No political party has any known monopoly of efficiency and economy. The investigation should be impartial and non-partisan. Those engaged should be representative of the Legislature at large and thereby, at least indirectly, representative of the people rather than of any party or faction. This must be the case in order for the findings and recommendations of the committee to have any convincing character, or to carry such weight with both houses of your honorable body as to insure subsequent legislative enactment. This phase of the question suggests the advisability of having the different political parties represented and of having the committee a joint one, with a membership taken from both houses of this Assembly.

I therefore respectfully suggest to you that the membership of the committee contemplated in the Dwight motion be enlarged by the addition thereto of a suitable number of members of the House of Representatives.

Permit me to assure you that every official and employe of every department of State stands ready and willing to render all possible assistance in the very important work under consideration. Many States have permanent efficiency commissions. Montana is scarcely

ready for such a permanent board, but a very good beginning may be made by this committee, and to that end we pledge you hearty and full co-operation.

I again repeat what I said in my message on the second day of this session: "This Legislature has an opportunity to make a record in financial efficiency." I sincerely hope this may be so.

S. V. STEWART,
Governor.

PAYMENT FOR SLAUGHTERED STOCK.

January 21, 1915.

The Speaker,
House of Representatives,
Helena, Montana.

Transmitted herewith is a letter from Dr. W. J. Butler, State Veterinary Surgeon of the State of Montana, together with certificate of appraisal of animals destroyed during the prevalence of the recent outbreak of the foot-and-mouth disease.

Your attention is particularly directed to the statement of Dr. Butler that the destruction of stock occurred in the protective measures taken to prevent the spread of this disease.

The disease first showed in the States east of us, and was brought into this State in shipments of cattle that had passed inspection and were healthy, so far as appearances went at the time of shipment, but had in fact been exposed to the disease.

The foot-and-mouth disease is most contagious, and while it is not necessarily fatal, it is ruinous to stock values. While the animals may not and do not always die from the infection, they are so affected as to make them practically worthless.

It is entirely possible that a large number of the animals included in the destroyed list would never have contracted the disease had they been allowed to go to their ultimate destination within the State of Montana. However, the chances were too great and the Government authorities, acting in conjunction with our State officials, deemed it wise to take the precautionary measures which ensued. Even though some of the animals slaughtered might not have been affected, yet if only a small part of the bands that had been exposed had contracted the disease they would have spread it to such an extent as to involve the stock interests of this State in losses that would have reached into millions of dollars—not only in cattle, but in other stock as well. In addition to this it is a demonstrated fact that the disease often attacks human beings, especially children. Children usually contract it through the use of milk from affected cows.

There is no doubt that the very stringent measure employed stamped out the disease in this State and prevented any great spread of it. At the same time the loss involved in the destruction of the cattle owned by the few individuals who were unfortunate enough to be caught with exposed stock is necessarily great. I agree with the State Veterinary Surgeon that this State should, if the same can be legally accomplished, recompense the owners of stock destroyed, and especially in view of the fact that the Federal Government pays one-half of the value. It is not fair to require the owners of stock slaughtered to prevent the spread of this disease to bear the whole burden of damage involved in the prevention of the spread of the disease. All measures employed were for the benefit of the general public and for the common good, and as nearly as possible the incident loss should fall upon all alike.

I therefore respectfully suggest to the Legislative Assembly the justice of making suitable reparation to the owners of the stock as enumerated in the list furnished by Dr. Butler.

S. V. STEWART,
Governor.

LEGISLATIVE EMPLOYEES.

January 22, 1915.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith is transmitted Senate Bill No. 56, relating to the number, designation, election and appointment of officers and employes of the Legislative Assembly, with my approval.

This bill is in a sense an emergency measure, having been passed by the Assembly in order to meet the situation that arose by reason of the opinion handed down by Hon. D. M. Kelly, Attorney General of the State of Montana, early in the present session. To the end that there may in future be no question regarding the status of employes of Senate and House, and to meet the requirements of the Constitution as pointed out by the Attorney General, Senate Bill No. 56 designates the staff that may be employed in each house and specifically states the maximum of clerks that may be placed upon the respective payrolls.

It is a matter of opinion as to the number of employes required to properly transact the business of the two houses of the Assembly. It is asserted that under a different system of selection satisfactory results could be obtained with a force much smaller than is usually employed. However that may be, the fact remains that in view of the Constitutional provision referred to and the steadily growing needs of the Assembly with respect to employes, it is necessary that some change in the existing law be made.

As to the needs of the two houses, I take the position that the members thereof are of necessity the better judges and should be the sole judges. The Assembly is a co-ordinate branch of the State government. Generally speaking the other branches, the Executive and the Judicial, are permitted to be the judges as to what is needed for the proper conduct of their respective branches, and the same should be true as to the Assembly.

If it be true that the number of employes at any time attached to the payrolls is larger than necessity demands, the burden rests upon the two houses of the Assembly, who are answerable to their constituents for the proper and economical conduct of their bodies.

I reiterate that the Assembly is best qualified to judge as to what it needs in the way of clerical help, and feeling thus I am moved to give Senate Bill No. 56 my approval.

Yours truly,

S. V. STEWART,
Governor.

VETO MESSAGES.

THE CHANCELLORSHIP BILL.

March 1, 1915.

The Speaker,
House of Representatives,
Helena, Montana.

I return herewith House Bill No. 14, being "An Act to Repeal Chapter 92 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana," etc., without my approval and with my objections thereto.

It is with great reluctance that I take this action, but the importance of the general subject of the bill and the peculiar conditions existing with reference thereto make it imperative, in my opinion, that I should withhold approval of the measure as presented to me.

The bill is short and, to the lay mind, very simple. Yet one has only to investigate the statutes of Montana to appreciate that approval of the bill would effect serious and far-reaching results—results that might be most disastrous and might inflict irreparable injury and considerable loss to the State and some of the citizens thereof.

When the bill first came to my notice I assumed that its sole purpose was and could only be to abolish the contemplated office of Chancellor of the University of Montana. The arguments and discussions thereof as they obtained in both houses were confined to the question whether the State should employ a Chancellor. It is evident that those who urged the passage of the bill had no other end in view, or at least expressed no other purpose.

In my view, the question of Chancellor or no Chancellor is a very important one. I have given it serious thought, this consideration extending over a period of two years. I have been brought to realize that the vast sums appropriated for higher education in Montana constitute a very material part of the total expenditure of the State, and absorb much of the income. There has been much talk of economy at this session, and there should be economy, without loss of efficiency, of course; yet few stop to realize that the larger economies must be made in the matter of the larger operations of the State.

Last year the State tax of two and one-half mills yielded the State the sum of $935,395.04. The four institutions or departments located at Missoula, Butte, Dillon and Bozeman, for the year beginning November 30, 1913, and ending November 30, 1914, disbursed the sum of $199,163.90, an amount equal to twenty-one per cent. thereof. In addition to that, they disbursed the total amount received from interest and income on land grants belonging to the State institutions, and which amount represented the very considerable sum of $131,136.36. Nor is that all for the Federal Government contributed the sum of $50,000 toward the maintenance of the Agricultural College department and the sum of $30,000 for the use of the Experiment Station at Bozeman and the Dry Farming Experiment Stations in the different parts of the State. Very few people realize the magnitude of the expenditures made for the purposes indicated.

Montana's population is conservatively estimated at 500,000. Many think we have more than that number of people. The average daily attendance in the four institutions during the year beginning November 30, 1913, and ending November 30, 1914, being the same period covered by the expenditures mentioned, was 1,042, or approximately one-fifth of one per cent. of the population of the State. It has been impressed upon me that the expenditure of so large a percentage of the State's

available means for the education of so small a fraction of one per cent. of the people of the State should be a matter of much concern, and I give you these facts for what they are worth.

The operation of our system of higher education should be characterized by sound business judgment and common sense. If college instruction is to inculcate practical principles it should be imparted practically and under favorable circumstances. In addition to that the ability of the State to furnish the funds for maintenance should be taken into consideration. The sole aim should be to provide the best instruction that can be obtained and on the most favorable terms to the State. The "pork barrel" idea should be discouraged. To my mind it would not be extravagant or "vulgar" or in any manner inimical to the cause of real education to place at the head of the system in Montana a supervising executive, be he called Chancellor or what not, but vested with the authority and power to direct the affairs of the departments of higher education. The functions of such an official can be easily comprehended when we reflect upon the fact that in the past two years these institutions or departments have been maintained at an expense of three-quarters of a million dollars, and if the recommendations of the appropriation committee of this House are adopted, the next two years will witness an expenditure of more than a full million dollars for the purpose indicated.

Nevertheless, the necessity for a Chancellor is a debatable question and was, as I said, debated to the exclusion of all other phases of the bill under consideration. To my mind, as I now contemplate the bill in its legal bearings, the Chancellorship is submerged. The bill seeks to repeal Chapter 92, Laws of 1913, and that without offering to substitute anything in lieu thereof. If that repeal would work nothing but the abolition of the Chancellor it would be simple.

The Higgins Bill in reality repeals the names, the designations, the identity, of the University and its component parts. Chapter 92, Laws of 1913, repealed the statutes giving to each institution a separate name. From the first day of July, 1913, under the terms of that law, there was no Agricultural College, no State Normal College, no State School of Mines, and no University in the sense that the same had existed prior to that time. Each institution was terminated as a separate entity and merged into a greater one, designated and legally named "University of Montana."

This is a serious matter. The founders of these institutions placed great reliance on the names and in Section 668, Revised Codes, provided a punishment for any infringement of the name "University of Montana". Likewise Section 111 of the General School Laws, 1913, reads as follows: "All donations, grants, gifts or devises made to any of the institutions named herein shall be made to such institution in its legal name, and if made to any officer or boards of such institution the same shall be immediately transferred by such board or officer to such institution".

If this bill should become a law the institutions would still have form and substance but no tangible being, no legal designation, no corporate existence. It is evident that this feature of the matter has impressed the distinguished Senator from Missoula county since the passage of the Higgins Bill through the houses, as he has introduced a bill (Senate Bill No. 181) in which he seeks to correct the condition that must inevitably result if House Bill No. 14 becomes a law. However that may be, I cannot assume that the Brower Bill will become a law, and am compelled to consider the Higgins Bill as it comes to me.

In another important matter pending at this session, to-wit: The matter of the creation of new counties, a similar repeal bill was passed through the House, known as the Wells Bill (House Bill No. 11), but it was held up in the Senate for the good and sufficient reason that no

adequate law to take the place of the one in effect was assured of passage. The reasons were good and I think are equally applicable in this case.

And yet the loss of the names of the institutions is not all that would result. There would still be a most serious difficulty in the way even if the Brower Bill should follow this bill and both should become laws. Senate Bill No. 92, Laws of 1913, repealed all acts and parts of acts in conflict therewith, save and except that it attempted to save Chapters 73 and 120, of the laws of 1909—the former of which contained nearly all of the law prescribing the powers and duties of the State Board of Education. This would have been well and good but for the fact that the general educational bill passed by the Thirteenth Legislative Assembly, Chapter 76, repealed said Chapter 73 of the Laws of 1909, in specific terms and reenacted such powers and duties as are therein prescribed; but there being no saving provision as against the terms of the general educational law, the so-called Leighton law must control and repeal wherever there is conflict.

You will very readily see that there is much room for serious apprehension in this whole matter. For instance, the Leighton Law defines the manner of granting diplomas and conferring degrees. The Higgins Bill would destroy that statutory authority. The distinguished author of House Bill No. 14, Mr. Higgins, is also the author of House Bill No. 150, approved February 15, last, which is now a law. That law provides that the holder of a diploma from the Law Department of the University of Montana shall be admitted to practice law without the examination required of other applicants. By House Bill No. 14 the University as a legal entity is put out of business and the right to give diplomas is wiped away, and the student who finished the course at the law department will find himself without legal evidence to convince the Supreme Court that he is entitled to the certificate of admission to the bar contemplated in House Bill No. 150.

The general school law of 1913, approved two days before the Leighton Bill, provides that graduates of the State Normal and the University may qualify to teach in the schools of Montana by filing their diplomas with the State Superintendent of Public Instruction. Just what effect the absolute repeal of the law providing for diplomas would have on this subject I am not prepared to say, but I do seriously object to seeing the rights of any of the teachers of this State in any way imperiled.

I come now to what may well be considered as another vital fault in this bill. To enact the Higgins Bill (House Bill No. 14) and the Brower Bill (Senate Bill No. 181) would still leave the State Board of Education with curtailed power. Of course, if it is the desire of those interested to divest that Board of authority and to give the local officers greater latitude, then the object sought would be attained, but I am not ready to believe that the members of this Legislature are ready to take such a step. The Constitution of the State contemplates control of the institutions by the State Board of Education, but leaves the conditions of the control to the Legislature. To change the system and enact a full and comprehensive law defining the powers of the Board ought not to be done in the hurry and bustle of the closing days of a busy session, and should not be tacked on to some bill as an amendment, or as a rider, without time to consider.

I doubt if the members of either house really thought that there was anything more than the Chancellor involved in House Bill No. 14 when they had it under consideration. They did not realize that the right to administer affairs under the State Board of Education might be involved, or that the right to claim appropriations might be questioned on account of the lack of legal designation. We all know that the Federal Government is very technical in the matter of authority, and it is possible that appropriations might be involved; but who thought of that when this bill was before you?

When it became evident to me that I should be called upon to act upon this bill, I sought legal information and to that end directed a query to the Attorney General of the State of Montana, relative to the effect of the repeal. Judge W. H. Poorman, Assistant Attorney General of the State of Montana, a very distinguished jurist and sound lawyer, has investigated the matter and I take great pleasure in incorporating his opinion herein. The opinion treats the matter in such a clear and convincing manner that it convinced me of the gravity of the situation and I am sure that you will be greatly benefited and clearly informed as to the bill. The opinion follows:

We acknowledge receipt of your favor of the 22nd instant, submitting for the consideration of this department the question:

> "What will be the legal status of the different state educational institutions, now included in the University of Montana, in the event of the repeal of Chapter 92, of the Session Laws of the Thirteenth Legislative Assembly, and the failure to enact other legislation relating thereto?"

The provisions of the Statute relating to the educational institutions of the State covering a period of about twenty-five years are somewhat fragmentary, and not always harmonious or consistent.

In Section 11 of Article XI of the State Constitution, it is provided:

> "The general control and supervision of the State University and the various other State educational institutions, shall be vested in a State Board of Education, whose powers and duties shall be prescribed and regulated by law."

This Section of the Constitution does not confer any authority or impose any duty upon the State Board of Education, except to denominate it as the moving power to carry into action legislative commands, respecting various State educational institutions. All powers of the Board must be prescribed and all duties imposed must come from written law in either general or specific terms.

Various educational institutions have been established, as the "UNIVERSITY OF MONTANA", at the City of Missoula,

Section 669, Revised Codes;

The "AGRICULTURAL COLLEGE OF THE STATE OF MONTANA", at the City of Bozeman,

Section 732, Revised Codes;

The "MONTANA STATE SCHOOL OF MINES", located at Butte,

Section 691, Revised Codes; and

The "MONTANA STATE NORMAL COLLEGE", at the City of Dillon.

Section 772, Revised Codes.

In certain supplemental and isolated pieces of legislation, and in advertisements and letter-heads, these institutions are referred to by various and varying names, but the above are the names and designation given them by positive statutory law, and are, for that reason, the only names on which we may rely in dealing with them.

In obedience to the spirit and intent of the State Constitution, and of the Enabling Act, the Legislature has not only established these institutions, but has prescribed and regulated the powers and duties of the State Board of Education with respect thereto. Many of the provisions of the Statute relating to the powers and duties of the Board were collected and incorporated in Chapter 73 of the Session Laws of 1909, and the Sections of the Code named therein were repealed.

On March 12, 1913, Chapter 76 of the Thirteenth Legislative Assembly was approved and took effect as a law on that day. This Act specifically repealed said Chapter 73 of the Laws of 1909, and all other Session Laws and Sections of the Codes, relating to the powers and duties of the State Board of Education, and by its own provisions, prescribed all the powers and duties then thought necessary to be exercised by the Board. In this Act of 1913 (Ch. 76), the names of the institutions were preserved, and the State Board was given authority, among other things, to grant diplomas, confer degrees, etc. Under all laws prior to the enactment of Chapter 92, 1913, the Board dealt with each of the institutions as an entity, separate and distinct from every other institution.

On March 14th, 1913, Chapter 92, of the Session Laws of the Thirteenth Legislative Assembly, was approved and took effect as a law on that day. This latter Act provides that all these various state educational institutions herein named, shall be amalgamated as one entity, known as "UNIVERSITY OF MONTANA", and all conflicting laws are repealed. Hence all laws relating to the separate names of these institutions are repealed, and they no longer have any names or designations, except the "UNIVERSITY OF MONTANA", and for specific reference the name of the department is added. Nor has the State Board any power or authority to act in any other name, either in the granting of diplomas, adopting rules, prescribing standards of promotion, or otherwise. In Section 7 of said Chapter 92, reference is made to Chapter 73 of the Session Laws of 1909, in such manner as to justify the conclusion that it was the intent to extend the provisions of that Chapter, but said Chapter 73 was repealed prior to the enactment of said Chapter 92, and hence did not exist at that time. A law cannot be extended by reference to its title.

> "No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall be reenacted and published at length."
>
> Section 25, Article V. State Constitution.

The only power and authority the State Board now has, with reference to the matters dealt with in said Chapter 92, Laws of 1913, are contained in the provisions of that Act—all inconsistent Acts having been repealed,—and the repeal of that Chapter would not have the effect of reviving former Acts by it repealed.

The laws permitting these institutions to continue as separate and distinct entities are repealed. The laws authorizing the State Board to grant diplomas to graduates of these separate entities are repealed, and the repealing Act (Chapter 92, Session Laws 1913) provides that such diplomas shall be issued in the name "UNIVERSITY OF MONTANA". If now this repealing Act is itself repealed, without a saving clause of some kind, and we apply to the law the same rules of construction that are applied to other laws, there will not exist any statutory authority for the issuance of diplomas in any name whatsoever. If this right continued at all, it would be by virtue of the law of necessity, not by virtue of any statutory provision.

The effect of the repeal of said Chapter 92, Laws 1913, without other legislative enactment would be to leave the State Board of Education without any statutory authority or direction whatsoever, as to all the things dealt with in said Chapter 92 as matters of substantive law, for all laws inconsistent with those provisions would be repealed, and would not be revived by the repeal of this Chapter. Not all of the powers and authority granted to the State Board of Education would be abrogated by the repeal of this Chapter, but the Board has no authority to give a legal name to any state institution, except to give it a designation for its own convenience, and a diploma granted by the

Board, without authority of law, could have no greater weight than an item of evidence that the person to whom it was issued had pursued a certain course of study for a certain time.

The repeal of said Chapter 92 would not dissolve any of these institutions for the law of their creation is not any part of that chapter; but their legal designation, so far as the name is concerned, would be gone. Just what, if any effect, this would have on grants of money annually made by the general government to the Agricultural College of the State of Montana cannot now be conjectured. Neither the law of necessity nor the law of inference, with reference to the State institutions is necessarily controlling on the general government; nor is it necessarily advisory thereto; nor is it controlling in the construction by a state court of any question arising with reference to any grant, devise or bequest made to any of these institutions designated therein by their former name.

Yours very truly,
(Signed) W. H. POORMAN,
Assistant Attorney General.

That any injury can be worked in leaving the law as it now stands is impossible. All of the institutions have prospered in the last two years. The president of the University at Missoula claims phenomenal growth, and all of this under the present law. The matter of the Chancellor is in your hands. No Chancellor is likely to work for nothing. So far no provision has been made for the salary and expenses of a Chancellor. If no action is taken along that line by this Legislature it is scarcely likely that the members of the State Board of Education, although a majority of them voted in favor of the employment of such an official, will go into their own pockets to defray the expense thereof.

In submitting this, my first veto of the session, I do so with the desire that you may receive the same in the spirit in which it is transmitted, that is with entire good-will and in the hope that the suggestions herein made may be of value to all who are called upon to vote again upon a measure which is much more important and far-reaching than was thought when it was in process of passage through your honorable body in the first instance. I have the keenest desire that the educational institutions of the State shall win to the highest possible point of efficiency; and feeling thus, I cannot permit, without protest, the passage of any law that has in it the possibility of crippling these institutions and bringing about a chaotic condition that may require years to correct. For these reasons I am compelled to disapprove House Bill No. 14.

S. V. STEWART,
Governor.

Veto sustained by a vote of 75 to 15.

FALLON COUNTY BOUNDARY.

March 16, 1915.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith House Bill No. 393, introduced by Einsel, being "An Act establishing and defining the boundary line between Fallon, Wibaux and Prairie counties", without my approval and with my objections thereto.

The bill apparently does not satisfy those who are interested in the change of the county lines between Fallon, Wibaux and Prairie, the counties affected.

It also appears that there has been an error at some stage of the proceedings so that the courses and distances included in the bill are erroneous and would cause much confusion. Evidently there was an amendment to the bill and in incorporating this it got into the wrong place.

In any event, the author of the bill and many people interested in the subject matter thereof request that the same be vetoed, and I have therefore taken such action.

Yours truly,

S. V. STEWART,

Governor.

TRANSCRIBING RECORDS.

March 16, 1915.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith House Bill No. 218, introduced by Mason, being "An Act to amend Section XI of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of Montana and relating to the transcribing of records from an old county to a new county", without my approval and with my objections thereto.

The bill is apparently a meritorious measure, and would, if in the right form, bring about beneficial results. However, it was drawn before the repeal of the law governing county divisions and creation of new counties, and was so drafted as to be an amendment to that law. After the bill was introduced and had proceeded in the course of its passage the law it attempted to amend was repealed in toto.

The author of the bill, Mr. Mason, came to me about the matter and suggested that this legal complication had arisen and that it might be possible to save some of the meritorious features of the law by approving it. I submitted the bill to the Attorney General and he is of the opinion that the law would be a nullity in view of the fact that it attempted to amend a defunct law.

In order that there may be no misconception in the premises by reason of reading this bill into the Session Laws; in full appreciation of the legal complications, and in order to correct the records and not deceive anyone in the premises, I deem it highly important that this law be not printed as a part of the Session Laws of the Fourteenth Legislative Assembly.

I have therefore vetoed the measure, not because, as I said in the beginning, it is not a meritorious proposition; but by approving it and having it enrolled in the Session Laws someone might be deceived and follow its provisions to his damage and great subsequent disaster.

Very truly yours,

S V. STEWART,

Governor.

COUNTY PRINTING.

March 19, 1915.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith House Bill No. 258, introduced by Page, being "An Act to provide for the letting of contracts for county printing, and the furnishing of printing and printed supplies to the several counties throughout the State, and to repeal Section 2897 of the Revised Codes of Montana of 1907", without my approval and with my objections thereto.

My reasons for the veto are as follows:

First: While the bill would no doubt remedy an existing wrong in the matter of letting county printing contracts, in that it would force the contract to the lowest bidder, at the same time, in my opinion, it would work an injustice on the country printers in that it would allow the contract for all printing supplies, outside of the advertising which must be let by separate contract, to go to some of the large job printing establishments located outside of the county in which the work is to be furnished.

Second: While it is necessary, in my opinion, that there should be a reclassification of the work to be done under county printing contracts, I do not consider that the classification made in House Bill No. 258 is fair. It divides the work into two classes, one being for advertising that must go into the local county newspaper and must be let to the lowest bidder regardless of the circulation or the scope of the publication; in other words, regardless of the amount of publicity to be given by the publication of the county business in any given newspaper. The other class of printing includes everything else, and allows that to go outside of the county, as suggested in the previous paragraph of this letter.

In my opinion, this latter class should be subdivided into at least two classes; one to include blank books and work that cannot be done in the ordinary country printing office, and the other to include stationery, blanks and ordinary office supplies, which can be and should be furnished by the local printer.

I am of the opinion that the large printing offices in this State would be able under this Act to go into the rural counties and take the second class of county printing away from the local printer, and, while it might save the taxpayers a small amount of money, it would tend to destroy the local newspaper, which is the medium of publicity for a given community. Certainly this would not be fair in view of the fact that at least in most of the counties of this State under the present system the county printing is being done at a very reasonable and fair rate.

My observation leads me to believe that if there is any inequality, or so-called graft, about the county printing matter, it is the exception rather than the rule. In most counties the printing goes to practically the lowest bidder under the present system, and while the proposed bill would relieve the County Commissioners from any discretion and force them to give it to the lowest bidder, it might work an injustice along another line in that the county officials would be greatly inconvenienced by being forced to send out of the county for the small office supplies required in their daily work.

As a general proposition I believe the matter of public printing should be reformed and systematized so as to make it a practical business proposition.

The old printing statutes have been on the books for many years, and may have outgrown their usefulness, if they ever were useful, for practical and beneficial purposes. However, I do not deem it wise to wipe them off without supplanting them with something better, and I do not think the proposed bill is a step in that direction.

Many people have appeared before me and argued the pros and cons in this matter. The country press is unanimously opposed to this bill and some of the job offices have disapproved it. Many of the union printers favor the bill solely because it puts a penalty on the man who sends outside the State for books and other supplies. All seem to be agreed that something should be done.

It has occurred to me that in order to get a right adjustment the matter might be rectified by having a commission draft a complete and comprehensive public printing bill for submission to the next Legislature. This commission could be composed of members of the State Press Association, of the Typographical Union, of the County Commissioners' Association, and perhaps some business or lay members who could be appointed by the Governor. In vetoing this bill I make the suggestion that all interested should get together and each line of endeavor choose its representatives to co-operate with those chosen by the other organizations, and in the two years that intervene between now and the meeting of the next Legislature draft a bill that will be fair to all concerned and that will cover the ground and do away with the charge of graft and extortion as well as the possibility of doing an injustice to either the public or those holding or bidding for public printing contracts. This bill should be made to include all public printing as well as county printing contracts. Cities, State institutions and the State itself should be regulated in such a way as to insure fair dealing by all concerned.

I dislike very much to veto this bill, as it was introduced in the interest of economy, yet in view of the fact that the discussion of the measure as it has been pending before me in the last two weeks has brought out a great deal of valuable information, and has opened the way for the possibility of enacting into law many needed reforms, I feel that the bill has not been in vain and that the author has achieved a very substantial step in the right direction by precipitating the great interest that has been shown in this printing matter.

Yours truly,
S. V. STEWART,
Governor.

APPROPRIATIONS.

March 17, 1915.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, after executive action thereon, House Bills Numbers 312 and 434, together with other appropriation bills this day acted upon. These bills came into my hands at the end of the Legislative session on March 4, and have been held for consideration pending investigation of the financial condition of the State.

At the beginning of the recent session of the Legislature the State Auditor made a detailed estimate of receipts and expenditures for the appropriation years ending February 29, 1916, and February 28, 1917. In that estimate he set forth the amount which he contemplated would be appropriated by the Legislature for all purposes for the two years

and the amount of the income of the State. He estimated that the expenditures would exceed the income in the sum of $66,261.40. In arriving at this conclusion he took such items as were within his knowledge and approximated other items as nearly as possible.

In most instances he approximated correctly, but in some matters the appropriations exceeded his estimate. For instance: The expenses of the Fourteenth Legislative Assembly were estimated by him, in the light of expenses of past Legislative sessions, at $140,000. As a matter of fact, the expenses of the session that have been paid to date aggregate the sum of $151,217.12.

The estimate made by the State Auditor did not include the following items: Appropriation for the Panama-Pacific Exposition, $50,000; for expense of administration of Compensation Act, $50,000; for expense of Farm Loan Act, $25,000; for payment for cattle slaughtered to prevent the spread of foot-and-mouth disease, $33,021.06, and several other smaller appropriations. These items could not have been included in the estimate of the State Auditor, as he had no knowledge that would enable him to make any statement regarding them.

Now, however, that the Legislature has adjourned, it is easy to estimate just about the expenditures contemplated under the appropriations. If all appropriations are paid in full, there will, as nearly as I can estimate it, be a deficit of $569,238.96. This is a considerable sum, and, in my opinion, the Legislature never contemplated the payment of all of this money when the appropriations were made. However, the Governor of the State cannot remedy the condition by the use of the veto. The items that in my opinion will admit of scaling are bulked, and there being some question as to the legal right of the Governor to approve an item in part and veto it in part, I am not willing to run the risk of invalidating any entire item, thereby perhaps leaving some State institution or department without any means of support unless a special session of the Legislature should be convened to meet the contingency. The latter expedient would be entirely too costly.

In fact, members of the Appropriations Committee made the statement when some of these measures were pending that the money would never all be paid out, that the State Board of Examiners would be able to scale the appropriations down and bring the expenditures within the resources and income of the State. This is passing the responsibility on to the Board, and there seems to be nothing for that body to do but accept it. I have talked with the members of the State Board of Examiners and with some of the members of the State Board of Education, and I feel certain that the figures named in the appropriation bills can be scaled down so that a very material saving may be accomplished. The State Board of Education very carefully investigated the needs of the various institutions under the jurisdiction of that Board. In the light of their general knowledge of the institutions and the specific information before them the members made recommendations to the Legislature of the amounts which they thought would be adequate for the maintenance of these institutions for the coming two years. However, the Legislature in its wisdom provided for maximum appropriations aggregating more than $100,000 in excess of the estimated needs of these institutions, but failed to point out a way to get the money.

If the power to veto items in part was legally established in this State, I would not hesitate to scale these items to the figures fixed by the State Board of Education. I am convinced that the amounts determined by the State Board will be adequate and sufficient, in view of the circumstances of the State, to accomplish the maintenance and a fair growth of these institutions. Furthermore, there will not be available funds to admit of the expenditure by any one of these institutions of any sum in excess of that estimated by the State Board of Education and by the State Auditor in his estimate heretofore mentioned.

The State Board of Examiners and the State Board of Education, in whom there is vested the power of directing and supervising the expenditures of all appropriations, will assume and must assume that the Legislature intended to designate the maximum sums that might be spent for the purposes indicated in the appropriation bills, and that only so much thereof as might be necessary and available would in fact be so expended.

We are looking to the heads of the different institutions and of the departments to co-operate in holding down the expenditures to such an extent as to bring them within reach of the income.

Yours truly,

S. V. STEWART,

Governor.

(ENDORSEMENT ON H. B. 312.)

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

The within and foregoing bill is on this, the seventeenth day of March, A. D. 1915, hereby duly approved, save and except as to the item hereinafter enumerated, which said item is vetoed as hereinafter stated:

The item in Section 1 of One Thousand Dollars "for the payment of the expenses of the Governor of the State of Montana and his Military Staff in attending the San Francisco Exposition upon an official visit", is vetoed in its entirety. The State has already appropriated $50,000 for use in the matter of the exposition now being held in California. I am of the opinion that while the trip contemplated would be most pleasant, nevertheless, in view of the condition of the finances of the State, I do not think either the Governor or his Staff would be warranted in causing to be devoted to the exposition purposes any more than the appropriation already mentioned.

All other items are approved in full.

Yours truly,

S. V. STEWART,

Governor.

FIFTEENTH ASSEMBLY
1917

MESSAGE.

Ladies and Gentlemen of the Fifteenth Legislative Assembly:

"The Governor shall at the beginning of each session, and from time to time, by message, give the Legislative Assembly information of the condition of the State, and shall recommend such measures as he shall deem expedient."

These are the words of the Constitution of Montana. They are plain and explicit and I cheerfully obey their mandate. The disposition to be made of the recommendations is wholly within your discretion. The Governor has imposed upon him the duty of suggesting and is given the power of final consideration within certain limits. The task of formulating the needed measures and of weighing the different constituent elements of each is wholly yours. You are the builders and the makers of legislation. The Governor suggests what to him seems a fit subject of legislation and you return to him a completed law which he must approve or reject in its entirety. While the Constitution arbitrarily separates the field of our respective endeavors, permit me to suggest to you that there is still much opportunity for co-operation, and that I stand ready to join with you in everything contemplated for the betterment of Monana and her citizens.

In this regular session there will be much of routine and a very considerable amount of uninteresting matter for your ultimate action. Nevertheless there will be full opportunity for the consideration of many matters of absorbing interest and prime importance to the State and to the people. Within the period that has elapsed since the Fourteenth Assembly convened our State has made remarkable strides in the process of her development. Today Montana is bigger and better in her every element than ever before. Her resources have developed and increased in value; her institutions have grown in importance and effectiveness; her citizens have multiplied and the standard of citizenship has attained such a degree of excellence as to find favor in the esteem of all those who respect civic virtue and cherish high ideals of morality.

The recent years have brought many people to our State, and good crops, high prices and general business conditions have contributed to the individual prosperity of our populace. New burdens have come with increased population, burdens that more than outweigh the consequent increase in the income of the State. We should not forget that the taxable value of our property is greatly restricted when compared with the vast area over which we are compelled to administer government. Therefore our first and greatest care should be to provide adequately for the needs of the State government without imposing an undue burden upon the people in this time when the needs and necessities of the citizens are most acute.

It is not my purpose to burden you with a long message or to make many recommendations for your consideration. While I shall touch upon some matters that are in my opinion fit subjects of legislation, I want to impress upon you at the very outset of this session that the prime and paramount duty now before you has to do with matters of State finance.

The present activities of the State are numerous and they are today absorbing more money than the ordinary revenues are providing. Since the formation of State government in Montana the State has been practically run on credit from year to year. This has been accomplished through the payment of the current expenses for a given year from the amount collected in taxes for that year. State warrants have not gone unpaid, by reason of the use of the permanent school and institutional funds in the purchase of these warrants. The warrants have been carried in the school funds until taxpaying time in the fall and then the tax money, augmented by the other income of the State, has generally been sufficient to take up the warrants and start the State

off even for another year. This custom has been pursued for many years. It has always been more or less disturbed by the constantly increasing demand for appropriations and the corresponding disposition on the part of the Legislative Assembly to make appropriations regardless of the estimated income for the forthcoming appropriation period.

Over-Appropriations.

Four years ago when this administration took over the affairs of government and the Thirteenth Session began its work, there was in the State treasury the sum of $243,100.39. Warrants had to be taken over by the school fund soon after the adjournment of the session. That Assembly made appropriations that were at least $300,000.00 in excess of the estimated income of the State for that period. By strict economy and care on the part of the State Board of Examiners, even in the face of unusual expenditures in the Butte trouble, the State treasury showed a balance of $56,645.18 on January 1, 1915.

Then came the Legislative Session of that year, and all estimates are shattered. At the beginning of the session the State Auditor estimated that the probable necessary expenditures for the forthcoming two years would outrun the income by about $66,000.00.

In his estimate the Auditor approximated the expenses of the Fourteenth Legislative Assembly at $140,000.00, whereas such expenses actually aggregated $155,423.30. It is interesting to note in this connection the steady increase in the cost of the Legislative sessions. The session of 1909 cost $73,729.22; that of 1911 cost $105,224.90; that of 1913, $130,972.40; and the 1915 session the above mentioned sum of $155,423.30. A part of this increase is undoubtedly necessary and proper, but some of it must seem to be unnecessary and should be obviated. Your attention is respectfully directed to this matter.

The State Auditor did not include in his pre-session estimate the very considerable appropriations made for the Panama-Pacific Exposition exhibits, the maintenance of the Compensation department, the new Farm Loan department, or the money paid for stock slaughtered by reason of foot-and-mouth disease. Neither did he take into consideration the fact that the Legislative Assembly provided larger sums for certain specified purposes than he had deemed necessary.

It is sufficient for me to advise you here that in my opinion the Legislative appropriations aggregated at the very least a half million dollars more than the estimated income. My estimate given in a statement conveyed to the Secretary of State with the general appropriation bills placed the possible deficit at $569,238.96, while a subsequent estimate by the State Auditor placed the amount at about $700,000. With that burden of excess appropriations the State Board of Examiners began to work along the line of retrenchment. Many savings have been made and as a result some of the departments and all of the State institutions have been deprived of much needed financial support. Today the deficit is only $184,595.12. This is the amount of warrants in the school fund that could not be taken up with the tax and other money available.

Liquor License Revenues.

A consideration of this matter brings us face to face with another financial problem. The State's revenue from liquor licenses has fallen off very considerably in the last two years. The income from this source was about $40,000.00 less for 1916 than for 1914. This was no doubt due to the prohibition legislation. It is fair to assume that the loss will be greater in 1917 and 1918, and we know that the income from that source will entirely cease at the end of 1918. It is a very considerable sum, being $346,784.91 in 1916, and some provision should be made to compensate the general fund on account of the loss.

In this connection I do not want to be understood as deploring the situation; rather would I commend the people for the advanced step along the lines of civic betterment and moral refinement, even though it has affected the revenues of the State.

Taxes have not increased in volume as rapidly as could be expected. Most of our new settlers are homesteaders and people of limited means. They will be taxpayers in time, but today we are confronted by the fact that but thirty-five per cent of our lands are actually vested in private or corporate ownership and consequently taxable. Large areas will remain permanently in government ownership, but very considerable quantities will pass to private ownership and become taxable in the near future.

Complaint has been made of our tax system. It is not perfect and it is unlikely that any perfect system could be devised. Our interests are as conflicting as our industries are varied. In this situation we are fortunate and nevertheless perplexed. The subject of taxation is a large and a difficult one. I respectfully suggest that the subject will consume more time than is at your disposal and that it should have expert investigation. To that end I recommend that you create a non-partisan commission to be charged with the duty of fully investigating the whole subject of taxation in Montana, and fully authorized to draft a suitable constitutional amendment and statutory laws for the adequate and fair distribution of the burdens of taxation, for submission to the next session of the Assembly. It should not be forgotten, however, that there must be some provision for immediate revenue and that the realization of the plan just suggested will not meet the exigencies of the present occasion.

The adoption by the people at the last general election of a Constitutional amendment enlarging the powers and authority of the State and County Boards of Equalization will no doubt contribute in some degree to the relief of the present situation.

Consolidation of Offices.

In view of the general financial condition of the State it would seem unwise to create many new departments or offices. The people are not demanding more public officials, but rather they are insisting upon a higher degree of efficiency on the part of those already existing in the performance of their duties. I am convinced that a saving may be made in the transaction of the State's business by an adjustment and consolidation of some of the existing departments.

The Compensation or Industrial Accident department has fully justified its creation. It has performed a most important service for the people of Montana in an efficient and economical manner. The first aim of this department embodies the idea of safety. That being the case, I respectfully suggest that all departments having to do with safety inspection should be merged into the Compensation department. This should include the Boiler Inspector's department, the Quartz Mine Inspector's department, and the Coal Mine Inspector's department. Your attention is respectfully directed to this matter.

The experience of the past two years has demonstrated the necessity for certain amendments to the existing Compensation law. I think that some of these amendments are essential and should be adopted. They are plainly set forth in the reports of the Board, which reports will be submitted to you for your careful consideration.

Another economy may be effected by merging the State Board of Stock Commissioners, the State Board of Sheep Commissioners and the State Livestock Sanitary Board into one body. The new board should be of limited membership in order to make it both economical and effective.

It is also possible to effect another saving in the consolidation of the Weights and Measures department and the State Board of Health.

Experience has taught that no good purpose can be served by too many boards or departments. Investigation will no doubt result in the formation of a comprehensive plan for the administration of the different matters now handled by these various boards.

State Purchasing Agent.

Many of the States have provided a Purchasing Agent or a Purchasing department, with full power and authority to make purchases of all supplies required by the State. Experience in those States has developed the fact that great economies may be accomplished by buying all State supplies in quantities and by the employment of men expert in the purchasing of the required commodities. The subject is well worthy of your attention.

Printing.

Two years ago it was my pleasure to direct the attention of the Legislative Assembly to matters of printing. I take this occasion to again remark that much unnecessary printing is required under the terms of the primary and election statutes now in force in the State of Montana. Other and further economies may also be effected by the amendment of the statutes having to do with public printing.

Primary Law.

The Primary law should be simplified and the matter of alphabetical arrangement of names on ballots abolished. I do not believe that the people would approve any measure attempting to abolish the principles of the Primary law, but they will certainly welcome any amendment that will make it less expensive and less cumbersome.

Good Roads.

Suitable legal provision should be made to enable the State to enjoy the benefits of the new national good roads law. The law governing our own State department should be shaped to meet the exigencies of the occasion. In this I would respectfully urge that the provisions of our State law having to do with the licensing of motor vehicles be so amended as to impose the burden of furnishing number plates upon the State and compel the payment of all moneys and fees collected in that behalf into the State treasury.

The law should further fix the responsibility of the enforcement of the provisions having to do with registration upon the Highway Commission. Many vehicles have been escaping registration and consequent payment of the fee by reason of the fact that it is apparently the particular business of no one to compel strict compliance.

State Institutions.

The reports of those in charge of the different State institutions will be before you for your careful consideration. These reports give the details of the institutional growth, progress and condition at considerable length. It is sufficient for me to say to you at this time that all of the institutions of the State are in a thriving condition and are growing beyond expectation. The great difficulty in all instances is lack of financial support to justify adequate development. Some new buildings have been erected at the penal, charitable and such kindred institutions, whereas the educational institutions have been denied the opportunity to enjoy the same expansion.

In the view of the State officers and board members the first obligation was toward the poor unfortunates, the dependents of the State, those for whose comfort and welfare we must provide within the State. Invidious comparisons have been made between the amount of money spent by the State for the care of the insane, the criminal, the orphans, the wayward and the deficient on the one hand and the amount spent in the cause of higher education on the other hand. Our answer is that

while both causes are twentieth-century necessities the former is the more pressing and must have first consideration. It is to be regretted that there are not sufficient funds available to satisfy the needs of all.

Chancellorship System.

Under the Chancellorship system now in effect we have systematized the work of the educational institutions and have adopted a budget system. You will have the benefit of this system in the matter of considering appropriations for the greater University and its constituent parts. The experience of a little less than a year has proven that we are attaining a higher degree of efficiency and getting better results for the money expended than was possible under the old system. In the selection of a Chancellor we secured a man of eminent standing in the educational world, and our system is attracting the attention of educators everywhere. I am sure that your best efforts will be given to the matter of financing this system and developing it in its various features.

This budget system should be utilized in the handling of the financial affairs of the other State institutions and should ultimately come into general use in all of the State departments.

At the State University of Missoula the attendance has almost doubled in the last four years. No new buildings have been erected, although the capacity of the plant was overtaxed without the increased attendance.

Within the past few weeks a very disastrous fire occurred at the College of Agriculture and Mechanic Arts. The chemical laboratory was destroyed, together with much of the contents thereof. There was some insurance, but not nearly enough to make the State whole. With the loss of this building the conditions at Bozeman are likewise crowded.

The fact is that all of the educational plants have been more than taxed to their capacity, and some relief must come or the cause of higher education in Montana will suffer a considerable injury.

Industrial School.

The State Industrial School at Miles City is in first-class shape. The last Assembly provided for the purchase of more land. One hundred and sixty acres were bought and added to the tract. It has given the management an opportunity to employ the boys, and splendid results have been obtained. The institution is sadly overcrowded. Recently there were 106 boys and 37 girls therein. Boys and girls should not be kept together under such circumstances. This institution would accommodate the wayward boys of the State without difficulty, but it is not possible to handle the boys and girls together and get even moderate results. The Superintendent and local board advise me that land may be obtained near the present institution and buildings erected for the accommodation of the girls, and the same handled under the present management at a minimum cost. It seems absolutely necessary that there be an institution for girls. The suggestion of the local management seems to me reasonable and if adopted will no doubt make for economy and efficiency.

Hospital for the Insane.

The number of insane has increased in proportion to our population. Four years ago there were 851 inmates at the State Hospital. At the close of the fiscal year, November 30 last, there were 1067 inmates. The capacity of this institution is also sadly overtaxed. It is only a question of time when we must have another institution. Just what can be done at this time I cannot advise you, but I do respectfully call your attention to the existing conditions, that you may give to the question such thought and attention as may be possible.

State Prison.

The number of inmates of the State Prison also has been very largely increased. However, the fact that we are able to work a good many of the prisoners on the outside has relieved the situation very appreciably. The Warden advises me that the indeterminate sentence law enacted by the last Legislative Assembly has resulted in increasing the number of prisoners. This is due to the fact that a great many of the District Judges of the State have failed to properly interpret the spirit of the law, in that they have fixed the maximum and minimum sentences so nearly together that it results in the defeat of the object sought to be attained.

Under the old system of inflicting a flat sentence a prisoner could ordinarily be paroled after having served half of the sentence. The new law provides that the prisoner shall not be paroled until he has served the minimum of his sentence. In the case of a sentence of not less than four years and eleven months nor more than five years, it is readily discerned that no parole is possible, because the good time that the statute contemplates for exemplary conduct will terminate the sentence before a parole may intervene. Many such sentences as the one indicated have been imposed. I would suggest that there should be an amendment to the indeterminate sentence act in order to hold the maximum and minimum penalties farther apart.

The last session of the Assembly provided for a bond issue of $100,000.00 for buildings at the Hospital for the Insane and the Tuberculosis Sanitarium. The money has been expended and very substantial and modern buildings have been erected at both institutions.

Other State Institutions.

It is my very great pleasure to report that all of the State institutions—the ones already mentioned, the Orphans' Home at Twin Bridges, the School for Deaf and Blind at Boulder, and the Soldiers' Home at Columbia Falls—are fortunate in that the management in each instance is capable and efficient.

State Fair.

The State Fair has prospered during the past two years, although there has been a slight falling away of revenue by reason of the abolition of racetrack gambling. However, I am prepared to say to you at this time that no more beneficial or acceptable reform has been accomplished in the State of Montana than that which forever abolished racetrack gambling in the State.

National Guard.

In the Executive Message of two years ago mention was made of the service rendered the State of Montana by the National Guard in the matter of the Butte disturbances. Since that time the Guard has again distinguished itself, but in a different field of service. The regiment has been developed, augmented in numbers and drilled to such an extent that in the service it was called upon to perform on the border the officers and men were the subject of much commendatory mention and notice. You should not forget to give to the National Guard of Montana a full measure of credit and such substantial support as may be found necessary and possible.

Expositions.

Mention has already been made herein of the fact that the Fourteenth Assembly made appropriations for exhibits at the Expositions at San Francisco and San Diego. This money was well expended. It gave to Montana much favorable advertising and resulted in the capture by the State of the grand prizes for cereals and apples, as well as the award of many medals to our citizens. This expenditure and consequent advertisement of our resources and products has contributed very materially to the splendid growth of the State.

Farm Loans.

Montana is rapidly becoming an agricultural State. Our farming population will become more and more important as time goes on. In order that the farming industry and those engaged in agricultural pursuits may prosper they must have cheap money and low interest rates. This has been a subject of legislative consideration in both Nation and State. Two years ago in my regular message I called attention to the fact that suitable legislation should be enacted to admit of loaning the State school funds. Since that time the Supreme Court of the State has held that these funds may be legally loaned under the existing law. However, that law as construed by the Supreme Court does not go further than to vest in the State Board of Land Commissioners that right to make loans from the funds, taking real estate mortgages as security.

It seems to me that this Assembly should define the terms and conditions under which these loans may be made. The State school fund is a sacred trust. Losses occurring must be made good from the general fund. Too much care cannot be exercised in the investment of this trust fund of the children of the State of Montana. We are all anxious to bring the cheaper money and the low interest rates to the farmers. In my message of two years ago I made this statement:

"I am satisfied that a certain amount of this money can be utilized to advantage in making farm loans. With our growing population the amount of money available will not perhaps satisfy the needs or the demands of the borrowers, but it may tend to regulate interest rates and promote better conditions with regard to farm credits."

I am still firmly of that opinion. The new National Rural Credits Act will bring a considerable degree of relief along the lines just mentioned. The benefits of that act, taken in connection with a proper handling of the State funds ought to bring much prosperity to the agricultural interests of the State.

In view of the growing importance along agricultural lines your attention is respectfully called to the necessity for co-operation by the farmers of Montana. Suitable laws should be enacted to promote successful business co-operation in the conduct of elevators, creameries and similar enterprises, and for the formation of marketing associations. There should be a course established in the Agricultural College for the training of the youth along the lines of farm and co-operative management.

Grain Inspection Law.

The grain inspection law should be so amended as to define the term "unfair practices" and provide adequate punishment therefor. Our State law should be made to co-ordinate with the new Federal grain-grading law.

State Hail Insurance.

Suitable provision should be made for State hail insurance at actual cost, the money to be raised upon the same principle as is employed in raising money for livestock indemnity and bounty purposes, the administration of the law to be carried out by the present officers of the State and counties. This may require a constitutional amendment, but if so it should nevertheless be accomplished.

Compensation for Slaughtered Stock.

Much time, money and effort have been devoted to the upbuilding of the dairy industry in Montana. Our Dairy department has done much toward raising the standard of the dairies and their products. The importation of thoroughbred dairy stock has played an important part in this matter also. Although considerable tuberculosis has developed in the imported herds it would seem that our present statute providing for the compensation of owners of destroyed tubercular stock

is not broad enough or liberal enough to adequately compensate the owners of high-priced and blooded dairy stock. Your attention is respectfully called to this condition, in order that the dairy industry in the State may be encouraged and developed.

State Owned Terminal Elevator.

Farmers in the grain-raising sections of the country are all interested in State-owned terminal elevators. Montana is now a great grain-growing State, but we are only in the infancy of production. We should not delay making provision for the handling of the crops of the future. I would suggest the importance of legal provisions to admit of the State building terminal elevators when the necessity arises.

State Fire Insurance.

The matter of State fire insurance for the buildings and improvements now owned by the State is respectfully called to your attention.

Bounties.

The experience of the last few years indicates that bounty reforms are necessary. This State is paying a great deal of money for bounties that might possibly be saved if it were not for the fact that our bounty allowances are in excess of those of our neighboring States.

Congressional Districts.

Your attention is respectfully directed to the necessity for dividing the State of Montana into Congressional districts.

Election Laws.

Much benefit has been derived from the Absent Voter law enacted by the last Assembly. It has been suggested that the law could be made broader in its terms in order to admit of the voting of those physically unable to reach the polls.

Enrolled Militia.

Complying with the provisions of the Statutes, I have the honor to advise you that, according to the returns of the County Assessors of the several counties of the State, the number of able-bodied male citizens qualified for the performance of military duty is 71,179.

Disbursements by the Governor.

In accordance with the provisions of the Constitution, I submit the following statement of moneys belonging to the State and received by the Governor and by him paid to the State Treasurer, for the biennial period ended November 30, 1916.

Five per cent Government land sales	$48,903.36
25 per cent Government forest reserve receipts	169,441.50
U. S. aid to State Soldiers' Home	17,700.00
Total	$236,044.86

Conclusion.

In closing permit me to suggest to you that partisanship should have little part in our deliberations. While we were all elected on tickets having political party designations, I am sure that we all realize that party solidarity was rudely shattered in Montana, as elsewhere in the United States on November seventh last. The ultimate object of all government is efficiency. The people exercised a degree of discrimination in the selection of this legislative body. It cannot be said to have been a political discrimination, but rather a personal one.

It is very evident that a record of party loyalty will not serve as a substitute for personal and official efficiency. The people of the various counties will not sit around their firesides this winter and gloat

over the fact that you are following the party leader and voting consistently for party measures only. There are no party measures, and the people know it. The people want results—some nonpartisan, ordinary workaday results without any party label, but sufficiently plain and homely to be of service to them as individuals rather than to the politicians. If you are to give forth such results you must for the time forget all other considerations save the State and her citizens.

With this central thought in mind I extend to you a most cordial invitation to join hands and unite our efforts in the splendid cause of legislating for the whole people. If our efforts are to succeed we shall need to be diligent, studious, conservative and constructive. May we with confident assurance indulge the hope that the results may justify our fondest expectations.

S. V. STEWART,

Governor.

SPECIAL MESSAGES.

FEDERAL AID FOR ROADS.

March 1, 1917.

The Speaker of the House of Representatives,
Helena, Montana.

You will recall that in the regular message submitted at the beginning of the session the attention of the Legislature was directed to the necessity of passing laws to enable the State to take advantage of the Federal aid in good roads matters. Some bills have been introduced along this line, some of which have been killed. One Senate bill has been passed by both houses and is ready for executive consideration, to-wit: Senate Bill No. 167.

I am just in receipt of a letter from the Secretary of Agriculture in which he insists that the assent of the State should be plain and unequivocal, and should not delegate the authority to some officer or board to make the assent. The Senate bill authorizes the State Highway Commission to assent to the provisions of the Act of Congress.

There is pending before you House Bill No. 51, which seeks to authorize the Governor to assent. This bill can be amended so that the State directly consents instead of the Governor being authorized to consent. I would respectfully suggest that House Bill No. 51 may be amended to meet the requirements of the Government if the first two lines of Section 1 are made to read "The State of Montana hereby assents to the provisions of the Act of Congress, etc.," instead of the Governor as in the case of House Bill No. 51, and instead of the Highway Commission as in the case of Senate Bill No. 167.

I am transmitting herewith the letter of the Secretary of Agriculture for your appropriate consideration.

All of this is done in order that there may be no misunderstanding in case of failure to provide for the acceptance of the Federal aid, as there is ample time to get House Bill No. 51 amended and passed.

I would also respectfully suggest that House Bill No. 51 is a revenue measure, being designated solely to enable the State of Montana to accept the Federal aid, and I am sure therefore that it will not fall within the prohibition of the Senate rule.

Respectfully submitted,

S. V. STEWART,

Governor.

WHEATLAND AND CARTER COUNTIES.

(Statement Given to the Press.)

When asked relative to possible action on Senate Bills Nos. 58 and 76, creating Wheatland and Carter counties, Governor Stewart made the following statement:

"Four year ago I vetoed a number of bills passed by the Thirteenth Legislative Assembly, attempting to create counties by direct Legislation action. At that time I based my veto upon the proposition that the Legislature had no authority to create counties in that manner, having passed a general law delegating that power to the people. I also commented somewhat upon the effect of such legislation, and expressed doubt as to the wisdom of creating counties by Legislative enactment.

"I still entertain the views expressed in the veto messages of four years ago, on both the legality and the wisdom of the procedure. However, there has been no let-up in the attempt to force county bills through the succeeding Legislative Assemblies.

"At the beginning of this session I made up my mind that the first bill that came to this office, seeking to create a county, would be allowed to become a law; not by means of executive approval but by the simple expedient of holding the bill for five days and thereby allowing it to become a law without executive action.

"Today Senate Bill No. 58, looking to the creation of Wheatland county, and Senate Bill No. 76, looking to the creation of Carter county, were transmitted to this office together, the obligation being thereby imposed upon me of picking out one of the measures for a test case. I do not care to make such a choice, and therefore shall hold both bills for the five-day period and then transmit them to the Secretary of State, so that they may become laws without executive action. I do this in order that a test case may be made, and the question of the authority of the Legislature to create counties forever settled.

"In taking the action indicated I want it distinctly understood that I am not receding from the position heretofore taken but merely hope to effect an adjudication that will clear the whole matter up. As far as I am concerned I shall not approve any county measures at this session of the Legislature unless the Supreme Court holds that it is within the jurisdiction of the Legislature to create counties. I am of the opinion that the two bils indicated will enable those interested to make a test case, and that there will be no necessity of allowing any other bills to pass by this office as these bills have been allowed to pass."

VETO MESSAGES.

STATE EXAMINER'S FUND.

February 21, 1917.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith House Bill No. 133, relative to the fees to be paid into the State Examiner's fund by incorporated cities and towns and school districts of the first and second class, without my approval and with my objections thereto.

This bill is vetoed for the reason that under the present system of the examination of cities and towns it is found that the system is extremely unsatisfactory.

In the first place, as now conducted, the fees charged puder the old law, which this bill seeks to reduce, do not defray the entire expenses of the examinations. If the examinations are to be conducted

they should be conducted at the expense of the cities and towns to be examined, and there is no justification, in my opinion, for reducing the fees to be collected.

I would suggest that there is yet time to remedy the most glaring defect in the law, which is sought to be amended. Cities of the third class and towns should only be subjected to examination upon application made by the city or town authorities. In other words, there should be a provision relative to cities of the third class and towns similar to the provision relative to school districts, so that the examinations need be made only upon application of local authorities.

Under present conditions in this State most of the towns have a very loose and inadequate system of bookkeeping, and the limited amount of business transacted in the smaller municipalities will not justify the installation of an elaborate system. As long as they are satisfied and no one complains locally it is hardly the business of the State to interfere, but if the State provides examination facilities which are available to the cities or the municipalities upon a proper request the necessities of the occasion will be met.

In my opinion there is yet time to enact a bill that will cover this situation, and thereby relieve the cities of the third class and towns from paying fees unless a certain percentage of the citizens or the legal authorities request the examination. For that reason I am vetoing House Bill 133, and returning the same to you for your appropriate action.

S. V. STEWART,

Governor.

Veto sustained by a vote of 78 to 8.

RACE TRACK BETTING.

February 28, 1917.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith House Bill No. 333, entitled "An Act to Amend Section 1 of Chapter 55 of the Laws of the Fourteenth Legislative Assembly of the State of Montana, Relating to Wagers", without my approval and with my objections thereto.

I do hereby veto the bill and refuse my approval of the same for the reason that I do not believe in the principles involved in the attempted legislation.

As the bill passed both houses by substantial majorities, I take occasion to return it promptly in order that the members may have an opportunity to consider the veto before adjournment.

Respectfully submitted,

S. V. STEWART,

Governor.

Veto sustained by a vote of 44 to 43.

BOXING BILL.

March 1, 1917.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith House Bill No. 329, entitled "An Act Creating and Providing for County Athletic Commissions in Counties of the First Class and Regulating Boxing and Sparring Contests in Counties of the First Class in the State of Montana", without my approval and with my objections thereto.

The bill is hereby vetoed and my approval thereof refused by reason of the fact that twice the people have spoken against the proposition of legalized boxing and sparring contests in the State of Montana. While it is true that this bill is designed to be special in its operation, nevertheless it was passed as a general measure and must of necessity be considered by all as a general law, applicable to all counties of the first class.

I am returning the bill to you before your adjournment so that the members may have an opportunity to give further consideration to the subject.

Respectfully submitted,

S. V. STEWART,

Governor.

Veto sustained by vote of 43 to 45.

SPECIAL APPROPRIATION.

March 9, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith I am transmitting House Bill No. 426, without my approval and with my objections thereto.

This bill attempts to appropriate money to pay a warrant of the Arid Land Commission held by George F. Benninghoff, for debts incurred by said Commission.

Under the provisions of the law the claim is not a legal obligation of the State. Two opinions from the Attorney General's office hold this view; one by former Attorney General Kelly and one by present Attorney General Ford.

Therefore, in view of the fact that the claim could not be paid, even if this Bill should be approved by me, and in view of the further fact that if the Bill was approved and allowed to go into the Auditor's office it would involve more or less difficulty and confusion, I am refusing my signature thereto.

Yours truly,

S. V. STEWART,

Governor.

STATE BOARD OF EQUALIZATION.

March 9, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith Senate Bill No. 140, without my approval and with my objections thereto.

This Bill is entitled "An Act to amend Section 2585, Revised Codes of the State of Montana, relating to the powers and duties of the State Board of Equalization."

In my opinion the Bill would tend to impose restrictive conditions upon the State Board of Equalization. For years we have found basis for complaint in the fact that the State Board of Equalization was not clothed with adequate power to perform the functions for which it was

created. Two years ago the Legislative Assembly passed a Bill submitting a Constitutional amendment, which amendment was adopted at the last general election. This amendment clothes the Board with wide authority and perhaps some legislation should have been enacted in order to make the provisions of the new amendment more easily workable. However that may be, in my opinion the provisions of this Bill are restrictive and I can see no good that would be accomplished by my approval of the measure.

Therefore Senate Bill No. 140 is submitted without my approval.

Yours truly,

S. V. STEWART,

Governor.

BUREAU OF CRIMINAL IDENTIFICATION.

March 14, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith I am transmitting Senate Bill No. 166, being an Act entitled

> "An Act for the creation and maintenance of a Bureau of Criminal Identification for the purpose of bringing about co-operation among County Attorneys, Sheriffs and Police Officers to the end that the number of criminal cases prosecuted by the State may be reduced, habitual criminals more carefully identified and fugitives from justice apprehended; also providing for a special fund for the maintenance of said Bureau, also fixing the salaries and duties of the officers thereof",

without my approval and with my objections thereto.

My reason for not approving this Bill is that it provides for the creation of three new offices, to-wit: a superintendent at a salary of $2,400 a year, a first assistant at a salary of $1,800 a year, and a clerk at a salary of $1,200 a year. I am convinced there is much merit in the finger-print system. The Warden of the State Prison advises me that he already has the system installed and that he can maintain it without very much extra expense. Some counties in the State and some cities have also installed the system at their own expense. I am convinced that they can maintain the system and keep up the work at very much less expense than this Bill contemplates. I know that the Warden can do the work contemplated in the establishment of a central bureau without all of these extra assistants, and without the expenditure of anything like $5,400 a year therefor.

Because of the fact that the Warden already has the system established at Deer Lodge and because of the additional expense contemplated under the Bill, I am refusing my approval thereof.

Yours truly,

S. V. STEWART,

Governor.

NORTHERN MONTANA SCHOOL.

March 14, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith I am transmitting Senate Bill No. 149, being an Act entitled

> "An Act to amend Section 5 of Chapter 67, Laws of the Thirteenth Legislative Assembly, and to make definite the number and personnel of the Local Executive Board of the Northern Montana Agricultural and Manual Training School, and to define the powers of said Local Board",

without my approval and with my objections thereto.

This Bill was drawn and introduced for the express purpose, as it recites, of bringing the Northern Montana Agricultural and Manual Training School into the uniform system of government prescribed in the general laws. The Bill refers to Paragraph 107, Chapter 76, Laws of the Thirteenth Legislative Assembly, and recites that it is the purpose of the Act to make the government of the said institution as far as possible uniform with the government and control of the other State educational institutions as now provided by law.

I am convinced that a mistake has been made in transcribing or copying the Bill at some stage of its passage, because the terms are contradictory. In addition to stating the objects just recited the Bill provides for four members of the Local Board. The Section referred to. Section 107 of Chapter 76, Laws of the Thirteenth Legislative Assembly, provides "there shall be an executive board consisting of three members for each of said institutions, two of whom shall be appointed by the Governor by and with the consent of the State Board of Education, and the president of such institution shall be ex-officio a member of said Board."

It is very evident that the original intention was to create a board of three members, such as there is now in existence for each of the other State educational institutions. Section 5 of Chapter 67, Laws of the Thirteenth Legislative Assembly, contains provision to the effect that there shall be three members of the Local Board of the Northern Montana Agricultural and Manual Training School. The only difference between that provision and the general provision contained in Paragraph 107, Chapter 76, Laws of the Thirteenth Legislative Assembly, is that under Section 5 of Chapter 67 the Board of Education must make the appointments by and with the approval of the Governor; whereas, under the general law as contained in Section 107 of Chapter 76 the Governor makes the appointments subject to the approval of the Board.

I have always been of the opinion that the Legislative Assembly intended to conform to the uniform system, and that it was merely a mistake that it did not do so.

To approve this Bill would provide this one institution with a Local Executive Board of four members, whereas all of the other Local Executive Boards have three members. I am satisfied that the design of the author was to change the plan to conform to said Section 107, but providing that the Governor should nominate and the Board of Education should approve, instead of providing for another member.

Yours truly,

S. V. STEWART,

Governor.

PUBLIC UTILITIES.

March 15, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith I am transmitting House Bill No. 91, being an Act entitled

> "An Act to amend Section 3 of an Act entitled 'An Act making the Board of Railroad Commissioners of the State of Montana ex-officio a Public Service Commission for the regulation and control of certain public utilities, prescribing the manner in which such public utilities shall be regulated and controlled, requiring such public utilities to furnish reasonably adequate service and facilities, prohibiting unjust and unreasonable charges for services rendered by such public utilities, providing penalties for violation of the provisions of this Act, authorizing such Public Service Commission to appoint an expert engineer and to employ clerks and assistants and making an appropriation for carrying out the provisions of this Act', approved March 4, 1913".

without my approval and with my objections thereto.

This Bill is designed to remove municipally-owned public utilities from the jurisdiction of the Public Service Commission. I am opposed to the Bill in principle. I think that the law enacted four years ago, placing all public utilities under the jurisdiction of the Commission, is right and proper. I know that some good has come from it.

It is no doubt true, as alleged, that in most instances there is small necessity for interference or regulation on the part of the Commission. Nevertheless I am convinced that the affairs of the various plants have been placed on a better business footing than prevailed prior to the creation of the Public Service Commission. A better system of bookkeeping has been inaugurated and in some instances unequal and discriminatory rates have been equalized. In one notable instance a very considerable reduction in water rates was obtained by the mere threat to take the matter before the Commission.

Another instance was called to my attention during the pendency of this measure before me, wherein the superintendent of a municipally-owned plant in a small town stated: "Our waterworks are a losing proposition, and but for the insistence of the Commission in forcing rates to as near as possible a paying basis our town would be bankrupt. I endeavored to have rates adjusted by the Council, but failed, and we were assisted out of the difficulty by the Commission."

I am convinced that the objections to the jurisdiction of the Commission have largely come from the fact that there has not been an amicable working understanding between the Commission and the various municipalities owning their own public utilities.

First: Most of the municipalities have denied the rght of the Commission to exercise any functions of control over them. They have based this upon the theory that the Act is unconstitutional and that they were and are in absolute control of their own plants to the exclusion of the Commission or any other authority.

Second: I am satisfied there has been a lack of harmony and co-operation between the Commission and the various municipalities. Part of it has, of course, been due to the denial of the municipalities of the right to the Commission to have any authority, and part of it has been due to the fact that the Commission has sought to take too large a part in the smaller affairs having to do with the management and operation of the various municipally-owned plants and the conduct of the business appertaining thereto.

Since this Bill has been under consideration by me I have talked to a great many people interested in the municipally-owned plants. I held a hearing at which nearly all of the cities in the State having municipally-owned plants were represented. The members of the Commission were also present. There has been nothing to change my view about the propriety of Commission control in the larger things, but the information that has come to me by reason of these conferences and hearings has convinced me that the trouble has been largely due to the fact that the Commission has sought to enforce a uniform system all over the State rather than to act as an appellate court wherein matters of complaint having to do with rates and other operating problems could be heard and decided. Of course it is natural that the different municipalities should seek to get away from all outside control, and this fact alone, coupled with the claim that the jurisdiction of the Commission was illegal, has not caused the municipalities to bow very gracefully to even reasonable regulations.

It seems to me that there is a larger principle involved in this whole matter than that of the personnel of any Commission. The people elect the Public Service Commissioners. If they are not satisfactory and do not perform their duties in a manner acceptable to the public they can be defeated at the polls. The principle of commission control, in my opinion, being just, I have no right to approve a Bill that will sacrifice that principle because perchance the members of a given Commission have not discharged their duties in a manner acceptable to the people of the different towns of the State.

The towns having municipally-owned plants are scattered from one end of the State to the other; Miles City in the Eastern part, Whitefish in the northwestern part, Dillon in the southern part, Chinook in the extreme northern part; and a great number of other towns in different portions of the State have municipally-owned plants. The Commissioners are elected by the people at large. If there is anything wrong in their administration, if they have been unjust and unfair, they will have to answer for it; because of the location of the various cities having municipally-owned plants the facts will be widely disseminated and generally known.

Should this Bill be approved merely because the personnel of the Commission is not satisfactory to the people over whom jurisdiction is exercised, then at the next session of the Legislative Assembly we should find some other class of public utilities asking to be excluded from the jurisdiction of the Commission because they are not satisfied with the personnel of the Commission. All of this brings us to the conclusion that the wise, sane and reasonable way is to make the Commission responsive to the general necessities of the occasion, and not eliminate various classes of utilities, merely leaving those who are unable to bring sufficient pressure to bear to get away from commission control.

In view of all these facts and circumstances, and in view of the further fact that the Commission has been brought face to face in my presence with the representatives of the municipally-owned plants, and has had an opportunity to learn of their grievances and complaints, and in view of the fact that there ought to be a better understanding now on the part of the Commissioners on the one hand and those in charge of publicly-owned plants on the other, I am constrained to refuse my approval of the Bill and therefore transmit it without my signature.

Yours truly,

S. V. STEWART,

Governor.

INHERITANCE TAX.

March 16, 1917.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith House Bill No. 417, being an Act entitled

> "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder, and repealing all Acts in conflict with this Act",

without my approval and with my objections thereto.

I have refused my approval of this Bill by reason of the fact that there has been an error made in the draft of the Bill or in the enrollment of it at some stage of its passage.

The Bill contemplates the enactment of a general inheritance tax law for the State of Montana, and is copied from the statutes of the State of Wisconsin. Section 5 of the Bill assumes to fix the amount of inheritance tax based upon the relationship of the deceased to the person receiving the legacy. It is very apparent that through an inadvertence the words "lineal issue" were omitted from this Bill at the point where they are inserted in the Wisconsin act.

With these words absent, in my opinion there can be no levy of an inheritance tax under this Bill upon the shares of direct descendants. It would seem to me that the most prolific source of income ought to be upon estates passing to direct descendants, as nearly all of the great fortunes descend from parent to child and to grandchildren. The author states that the words "lineal descendants" appeared in the original draft of the Bill, but do not appear in the printed copy. These words certainly do not appear in the enrolled Bill.

It is alleged that a tax may be assessed against the shares of direct descendants under the other provisions of the Bill. I do not believe that this is correct. I believe that if this Bill were approved and became a law of the State with this palpable omission it would involve the administration of the inheritance law in uncertainty and might deprive the State of a considerable amount of income in the next two years.

In all other respects the bill is a meritorious measure, and but for this omission I should cheerfully approve it.

In view of the foregoing, the Bill is transmitted without my approval.

Yours truly,

S. V. STEWART,

Governor.

FIFTEENTH ASSEMBLY

(EXTRAORDINARY SESSION)

1918

MESSAGE.

Ladies and Gentlemen of the Fifteenth Legislative Assembly in Extraordinary Session Assembled:

The regular session of your honorable body adjourned on the first day of March last year. At that time there was raging, as there had been for more than two years theretofore, a frightful and devastating war in Europe. While there was always grave danger of the United States being involved therein, yet there was nothing in the situation as it existed at the time of your adjournment to warrant the belief that our own country would soon be called upon to participate as an actual combatant. It was but natural, therefore, that you did not consider matters of State or of National defense.

Hardly had the members left the Capitol and assumed their regular civic duties when it was brought home to us that the Nation was to be forced into the terrible conflict. When war was declared our people responded to every call of the general government with a promptness that evidenced the spirit of patriotic devotion which has ever impelled and inspired the men and the women of the great West. They have left not one thing undone that good citizenship suggested or that loyalty to the country or to the cause of liberty and justice dictated.

Therefore I come to you speaking for the State and the people and say to you that Montana men and Montana women, and the State of Montana herself, have done everything that it has been possible to accomplish under the circumstances in co-operation with and in support of the government. The things which they have accomplished have written a fair record to the credit of our people. But the people will not be and cannot be satisfied with anything less than a full measure of service and a maximum of substantial contribution to the cause of the nation.

It has become evident to all that the full capacity of our State and its wonderful resources cannot be co-ordinated with the patriotic desire, the enthusiastic impulse to serve that everywhere animates the citizenship, without some new laws, some new working rules, some new plans and specifications to which they may work with more accurate and positive purpose, and with a better understanding of the mode of procedure to be adopted. This is no time for a division of purpose. There must be no lost motion and neither contention nor duplication of effort. Every resource of the State should be made to yield its full product, and with the least possible expenditure of man power and expense; and every individual should realize that his or her efforts must be exerted in conjunction, in full accord, and in complete harmony with the efforts of every other individual in the State.

Seed Grain and Feed.

Some of the newer farmers must have assistance to secure seed and feed, else some of the fertile acres of the State may lie untilled and unproductive. Our brave boys are prepared to make the great fight for us at the front, but they cannot do credit to themselves or bring victory to our cause without bread to sustain them. Montana has the acres and the soil and, given the means of planting a crop and seasonable conditions, our contribution to the food supply of the world must mean much to the cause of the Allies. The old "Seed Grain Law" is not adequate, and under its restrictive terms and conditions but little help may be expected.

Other things to be called to your attention are important, but the one thing that really dictated this call for a special session is the necessity for amendment to the "Seed Grain Law." I sincerely hope that you may be able to draft a law that will admit of the needy farmers getting not only seed but feed from the various counties of their residence, and that will invest the counties with authority to incur sufficient indebted-

ness to meet the emergency of the occasion in that respect. The Supreme Court has construed the present law so as to give you a clear understanding of the possibilities and scope of legislation on the subject.

Moratorium and Statute of Limitations.

The system of raising an army adopted by and now in full force in the United States is the most equitable and the fairest, as well as the most efficient, system that has ever been devised. It has called men from the bank, the store, the smelter, the mine, the office and the farm. It has not been a respecter of persons, but rather of conditions. Consideration has been given to dependent members of families and to the necessity for continued production in the country. The man of means and the wage-earner have gone to the cantonments side by side. It is but proper that these men should be invested with as much immunity as may be consistent with the circumstances of the times and the great sacrifice which they must of necessity make in the cause of the people. To suspend the operation of statutes of limitation against them during their time of service and for a reasonable time after discharge, and to impose a moratorium in their behalf would seem to be but proper and just. I would urgently recommend that such action be taken as may seem to be reasonable, equitable and fair under the circumstances.

State Council of Defense.

The National government has seen fit to constitute and maintain a Council of National Defense, and has asked that the States organize such bodies for co-operation along defense lines. As Governor of the State I appoint a State Council of Defense, but it has no legal existence and no real authority for either its existence or its acts. Nevertheless, the State Council of Defense has been active and has rendered very substantial and important service.

In order to carry on the activities suggested by the National Government and inaugurated by the State Council of Defense, State money was utilized from some of the various departmental funds. The Agricultural College Fund, the Farmers' Institute Fund, the Agricultural Extension Service Fund and the Department of Agriculture and Publicity Fund were all invaded. I would not only recommend that the State Council of Defense be made a legal entity and clothed with legal authority, but I recommend, in addition to this, that an appropriation be made to make good the amounts used from the various funds mentioned as well as to enable the State Council of Defense to conduct future activities. If this is not done the various departments from which funds have been taken will be circumscribed and restricted in their work for the present year.

Home Guard.

Ever since danger threatened the country from without there has been fear of disturbance within. Many communities have organized Home Guard Companies, and the National Congress has provided a degree of recognition to such organizations. It is very evident that Home Guard Companies will be maintained in this State either with or without law enacted by the State on the subject. If they remain in existence under present circumstances they are without either legal authority or legal rights, save and except the general privileges and immunities enjoyed by and the duties imposed upon the individual members as citizens of the State and of the Nation. They may perform, and in some instances have performed, important civic duties, but there is the danger that always comes from lack of clearly defined legal purpose. There is no community legal responsibility. The Home Guard Company is merely an aggregation of citizens banded together for the general good, and as such they constitute themselves the sole judges of the rights and powers of the organization.

It is easy to see that the splendid purpose of defending the community in its right of property and personal peace may be readily converted by excess and intolerance into a means of positive menace to the safety of individuals and neighborhoods. I would recommend that Home Guard Companies be given legal status and their rights, authority, and the scope of their activity defined and that the organization and the members thereof be made responsible officers of the State with a corresponding obligation as such.

Sedition and Treason.

While we all realize that primarily it is the duty of the general government to protect the people against seditious, treasonable and disloyal acts and utterances, nevertheless it is apparent that the State should have statutes on the subject so that there may be no failure of punishment and repression. Acts of such a character are intended to hinder, delay and defeat the very purposes for which we are giving our best efforts, contributing our material means and sacrificing our own flesh and blood. The great war must and will continue until our enemies are whipped. Nations are like men—they are not conquered until a full realization of their defeat is forced upon them. Just so long as our enemies feel that there is a possibility of America weakening, of her being turned aside from her great purpose by internal dissension, lack of unity or division of sentinment, there is hope for the antagonist.

Germany and the Central Powers must be made to understand that America is in this war to win, no matter what may be the sacrifice of treasure and of blood. When that fact is borne in upon the Germans the beginning of the end will have come; but it can never come while we have men and women abroad in the land, vipers circulating the propaganda of the junkers; it can never come while we have traitors in our midst creating material for propaganda. The spy system of Germany reaches its poisoned tentacles into every part of the world. Our own country is not free from it. By such means it is not only sought to poison and paralyze the enemies of Germany, but every disloyal utterance and every treasonable act is duly reported in exaggerated form to the German people in order to impress them with the fact that America is not united and will either quit or fail.

From nearly every household a boy has gone forth to do his part in the struggle. The fond parents sit at home in the eventide and long for the safe return of the loved one. What privations, what hardships and what sacrifices are they making from day to day for the comfort and efficiency of the soldier lad away out across there in the trenches! The tender mother is startled by the mere suggestion that the boy may not come back, and the father clenches his fists at the very suspicion that any of his own acquaintances might conspire to encompass the destruction of his son and heir.

And yet in many communities there are people, mayhap neighbors of the fond parents just described, who either purposely or without thought, but nevertheless wickedly, give voice to sentiments which, carried to the German soldiers in distorted form, will cause some certain company or unit to make just one more stand for the kaiser and autocracy. In that one more last stand, who knows but your boy may fall a victim to German barbarity, to German "efficiency?" Who knows but that the same mother, wakened from her troubled sleep by some occult influence wafted clear across the ocean by a medium unseen, unheard and little understood, may in reality be recoiling from the terrible pain of the smothering gas, or the sharp point of a bayonet, directed at her boy, her own flesh and blood, by the relentless barbarians, spurred on, strengthened and emboldened to make just one more stand by the stories that America is disunited, that the timber of her manhood has decayed, that the luster of her womanhood has tarnished.

And so I say to you that if you would do something for the efficiency of America's efforts, if you would rouse the spirits, cheer the hearts and make strong the good right arm of America's offensive and defensive, if you would bring discouragement to her enemies; in other words, if you would hasten the close of the war and impress upon every Nation and every people in the world that America has cast her all in the balance, united and harmonious in her determination to bring victory to her cause, enact a law here in Montana that will make available a mighty means of throttling the traitor and choking the traducer. Fix it so that no longer may the enemy spies or the peddlers of sedition and slander go free in Montana to insult the patriotism and offend the loyalty of our citizens at home or send cheer to the enemy abroad. The free air of Montana is too pure, too sacred, and too precious a heritage here in this mountain region to be used as a medium by the vicious, the traitorous and the treasonable to breathe forth sentiments of disloyalty against our cause and to extend comfort to the enemies of the country.

While we are anxious to see just and adequate punishment visited upon the guilty, care should be taken that no machine be created for the oppression of the innocent. The law should be plain and unequivocal, but should be so drawn that its provisions cannot be misapplied or its operation turned aside to the accomplishment of an unworthy purpose.

Sabotage.

Some individuals and a few organizations have indulged in what is known as sabotage, criminal syndicalism and industrial and political anarchy in the different parts of the United States. Montana is no worse off in this respect than many of the other states; but, while other states have provided for the punishment of those who are guilty of the crime just mentioned, our State unfortunately has no special statute under which such activities may be held in check and punished.

The industries of the State must continue. When crops are raised they should be harvested without let or hindrance from those who are criminally inclined. To burn a threshing machine or an elevator, to destroy a crop, or to halt the process of an industry at this time should and does warrant severe punishment at the hands of the State. Our people are not in a mood to palliate such things or condone them. If a State law is not devised and enacted by this Legislative Assembly it is not at all unlikely that such acts of violence and destruction may cause the people of the State to take the law into their own hands and visit upon those who are so charged most drastic punishment, and that without the fair and impartial trial guaranteed by our Constitution. It would indeed be unfortunate to contemplate such a condition.

In view of the existing conditions and of the possible results that may accrue, I most earnestly urge upon you the necessity of legislative enactment to cover sabotage, criminal syndicalism and industrial and political anarchy.

Absent Voter Law.

It is very evident that Montana's citizen soldiers absent from the country in the service of the Nation will not be able to vote at elections unless the Absent Voter Law is enlarged in its terms and made more comprehensive. The men who are fighting our battles abroad are just as much citizens as they ever were, and they should not be deprived of their votes because, perchance, the people of the State and Nation have selected them to go to other countries and other lands to fight the Nation's battles. I therefore respectfully urge upon you the necessity for amendment of the Absent Voter Law.

Prohibition Amendment.

Since your adjournment the Congress of the United States has submitted to the Legislatures of the several states, for ratification, what is known as the National Prohibition Amendment. The amendment is submitted to you for appropriate action.

Firearms.

Along the line of defense, I would respectfully suggest to you that a law should be enacted providing for the registration of dealers and purveyors of firearms and ammunition within the State of Montana. The law should provide that all merchants and other dealers, before engaging in the sale of firearms, shall register with some suitably designated official, and that thereafter the dealer shall and must keep a record of all sales of firearms and ammunition for the inspection and information of public officials, especially peace officers.

County Bonds.

Some of the counties of the State have issued bonds without taking the necessary and proper legal steps required by law. The legal department of the State has advised me that these bonds may be validated by the passage of a curative act. I respectfully recommend that the Legislative Assembly give attention to the matter of curing the legal defects as they exist in these county bonds.

Montana Whitefish.

The necessity for substitute food products is becoming more and more apparent. Under our present game laws the Montana whitefish or Rocky Mountain whitefish is classed as a game fish and therefore cannot be sold in the market for food purposes. I recommend that whitefish be removed from the classification as a game fish so it may be sold for food purposes within the State, during the pendency of the war at least.

Forest Fire Prevention.

Attention has just been directed to the fact that legislation should obtain to conserve the timber of the State and to reduce the cost of the prevention of forest fires.

In 1917 the damage to timber within the boundaries of this State amounted to $312,575.00; the cost of extinguishing fires, $481,331.00. The total was $793,906.00. It is estimated that twenty-five per cent of the loss was caused by brush burning. The danger period is between June 15 and September 15 of each year, leaving nine months of an open season which would seem to be ample time for the burning of brush.

It seems, therefore, that an emergency exists in this respect and that a closed season against burning brush should be established by law.

Many other matters of importance could be submitted to you for appropriate consideration, but I appreciate the fact that this is an extraordinary session of the Legislative Assembly and that the members are not in a position to remain in session for a long period of time.

I have sought to submit to you only emergency measures. It is unnecessary for me to say to you that your session should be brief, and in order that it may be of short duration I have limited the number of the subjects submitted for consideration.

Many patriotic offers have come from former employes and departmental clerks and stenographers at the Capitol to do the clerical part of your work as a patriotic service. I am sure that you will avail yourselves of these offers wherever it is consistent to do so and that your session will be characterized by promptness, efficiency and patriotic devotion to duty. If ever there was a time in the history of the State when partisanship, sectional antagonisms and personal ambition should be relegated to the rear this is the time. The people expect public servants to rise above all of these things and give the unselfish service which alone can redound to the benefit of the State and the Nation.

S. V. STEWART,

Governor.

SPECIAL MESSAGES.

HAIL INSURANCE.

February 16, 1918.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly, enacted by your honorable body, created the State Board of Hail Insurance. The law has worked admirably in most respects. However, one defect has been made evident by the administration of the law.

By the terms of the law, farmers who wish to accept the benefits of State hail insurance must file their acceptances not later than the first of June of each year. In the opinion of the State Board of Hail Insurance this time should be extended to June 15.

I am transmitting herewith a communication from that Board and respectfully direct your attention to the propriety of considering the recommendation of said Board. This letter of transmittal is sent to you in the nature of a message that you may have legal authority for the consideration of the subject matter contained in the letter of the State Board of Hail Insurance and in this communication to you.

S. V. STEWART,

Governor.

CHARGES AGAINST JUDGE CRUM.

February 19, 1918.

The Speaker of the House of Representatives,
Helena, Montana.

Charges have been filed with me touching the qualifications of the Honorable Charles L. Crum, District Judge of the Fifteenth Judicial District of the State of Montana. Said charges go to the qualifications of said Judge and have to do with his personal fitness and official integrity.

I am transmitting the charges herewith in the form of affidavits just as they were filed with me. They are submitted to the Legislative Assembly of the State of Montana for appropriate consideration. Under the Constitution it is your duty to consider the charges first and this message is transmitted, together with the affidavits, as your authority for doing so.

Affidavits of the following named individuals are transmitted herewith, to-wit:

W. H. Lyndes, Jack McCausland, Henry Grierson, I. M. Gibson, C. A. Klingle, Gudleik Flege, Gus Gullickson, P. J. E. Wood, J. H. Ivy, E. C. Bussert, F. V. H. Collins and Felkner Haynes, and also a telegram received by me on yesterday from Dr. W. H. Buskirk of Miles City, relative to the whereabouts of Judge Crum.

S. V. STEWART,

Governor.

STATEMENT ON CRUM CASE.

Helena, Montana, March 20, 1918.

The Senate of the State of Montana,
Helena, Montana.

Gentlemen:

In view of the open letter written to the Senate by the counsel for Judge Crum, I feel that it is but fair to you that you have from me a statement of the facts surrounding the receipt and acceptance of the Crum resignation. These facts are as follows:

On the evening of March 9, 1918, Senator J. E. Edwards of Rosebud County, called me over the telephone from Forsyth. He told me that Judge Loud and Colonel Goddard, counsel for Judge Crum, were in the city of Forsyth at that time and were in conference with Judge Crum; that they had asked him to inquire of me if I would accept a resignation from Judge Crum if the same were tendered. After some discussion with Senator Edwards relative to the matter, I told the Senator that it was my opinion that if Judge Crum desired to resign, and did resign, that would be the easiest, cheapest and most effective manner of disposing of the case. The Senator said he thought likewise. I told him that it was my belief that the resignation should be accepted, and that if tendered in proper form I would accept it. I did not say that I would accept it immediately, or at what time it would be accepted.

The next morning—Sunday, March 10—Colonel O. F. Goddard of Billings, counsel for Judge Crum, came to the Capitol and presented the resignation. I discussed the legal effect of the resignation with him and it was agreed he should look into that feature during the afternoon, and that I should also call upon the Attorney General in the same behalf. I was able to see one of the Deputies in the Attorney General's office and the matter was investigated somewhat.

At the time that I discussed the matter with Colonel Goddard, I told him I would accept the resignation. I told him, however, that I wanted to satisfy myself as to the legal effect thereof. I told him it was my purpose to accept the resignation on Monday, the eleventh. I did not make any pledge to do so, nor did I consider that I had a right to make any pledges as to future official action. Nevertheless, I did tell Colonel Goddard that it was my purpose to accept the resignation on Monday.

On Monday I discussed the matter with some members of the Legislature and some members of the staff of the Attorney General. I decided that it was only courteous and fair to the House Managers and to the Senate Committee that they should have knowledge of the situation created by the resignation. I therefore sent telegrams to the House Managers and the Senate Committee asking them to meet with me on Thursday, the fourteenth instant.

During the afternoon of March eleventh I had another conversation with Colonel Goddard, over the telephone. Colonel Goddard had in the meantime gone to Billings. He urged that acceptance be made and announced at once. I told him I had asked the Senate Committee and the House Managers for a conference and felt it was only fair to them to advise them of the situation.

On Thursday, the fourteenth, the members of the Senate Committee and the House Managers met at the Capitol, together with Lieutenant Governor McDowell, President of the Senate, Attorney-General Ford, and myself. The matter was discussed from every point of view and it was decided by the Senate Committee and the House Managers that the impeachment should proceed in spite of the resignation. It was also the opinion of the Attorney General and the lawyers present that the matter of acceptance could have no legal effect. I stated to the committees that I desired to accept the resignation, having in mind the fact

that I had expressed to Senator Edwards an intention of doing so. After the departure of the House Managers and the Senate Committee, and in accordance with the correspondence heretofore submitted to you, the resignation of Judge Crum was accepted.

I do not know the purpose of the communication of the counsel for Judge Crum other than that it appears from the statement that the counsel for Judge Crum take the position that the Judge departed from the State of Montana under the impression and in the belief that the resignation had been filed, would be accepted, and the proceedings stopped. I have no knowledge as to the advice given the Judge by his counsel, or as to the statements made by the Judge to them, other than hearsay. However, I wish to state that it was my belief when Senator Edwards presented the matter to me, that the resignation would be the means of terminating the proceedings; not legally, but that the resignation would in effect accomplish the result sought, namely, the removal of Judge Crum from the office of District Judge and from his sphere of alleged dangerous activity. I told Senator Edwards, and I told Colonel Goddard, that I believed that would be the result. I did not, however, say that I would use my influence, or any influence, with the Senate Committee or the House Managers to try and induce them to dismiss the proceedings. I told Colonel Goddard that I believed it was the part of courtesy and fair dealing on my part that I should present the matter to the House Managers and Senate Committee so that if it was believed by these two committees that a further hearing was not necessary they could save the State of Montana the expense necessarily incident to the summoning of witnesses.

When the House Managers and Senate Committee met on the fourteenth instant there were called to their attention certain resolutions and newspaper articles having to do with the matter, which said resolutions and newspaper articles, in my opinion, influenced the members in their decision to continue the prosecution of the case.

My only reason for withholding the acceptance of the resignation was that I did not desire to hinder or embarrass the members of the State Senate and the House Managers in their consideration of the pending proceedings. I did not desire to influence the members, and did not seek to influence the members in any wise. After the resignation was placed with me it was suggested that the acceptance of it, while not having any legal effect, might be misunderstood and the members of the Senate might feel that I was trying to assume functions which were not mine. In other words, I did not want to be placed in the position of taking over the matter of the adjudication of the issues involved in the Crum impeachment proceedings and for that reason I withheld the acceptance of the resignation until I had laid the matter before both committees. It was always my belief, from the time the matter was suggested, that I should accept the resignation, but I was very anxious that my own opinion in the matter should not in any manner embarrass either the members of the Senate or the House Managers, or in any way tend to defeat the true ends of justice.

I have the most implicit faith in the fairness, ability and capacity of the members of the Senate to handle the matter and I only make this statement in order that your records may be clear, and that there may be no misunderstanding as to the facts surrounding the receipt and acceptance of the resignation by the Governor of the State of Montana.

Very truly yours,

S. V. STEWART,

Governor.

SIXTEENTH ASSEMBLY
1919

MESSAGE.

Ladies and Gentlemen of the Assembly:

For the sixteenth time the people of the good State of Montana have designated those whose duty it shall be to legislate the will of the general constituency into statute law. The exercise of such selection has resulted in your presence here and your membership in the Sixteenth Legislative Assembly. You are not only honored by the expressed confidence of your fellows, but for the time you are set apart from the rank and file of the citizenship of our commonwealth and endowed with prerogatives and functions most exalted and dignified.

It is not necessary for me to impress upon you the fact that such a designation, coming at a time so important in the life of the Nation and the growth and development of the State, carries with it a peculiar distinction and an unusual obligation. In the past two years American men and women have been brought to realize much more clearly than ever before the high importance of, the absolute necessity for, sane, wholesome, intelligent government. There may have been a time when lawmaking bodies in America might have approached their tasks without impressive seriousness of formal solemnity, but certainly no one who has witnessed the mockery of government and the travesty on lawmaking exhibited in some countries within twenty-four months can feel that the responsibility to make laws for the government of peoples and states is other than a solemn and a sacred obligation.

We who have so recently seen the abuses of unfair and improperly conceived legislation and have had so strikingly impressed upon us the dire results flowing from the lack of proper legislative safeguards should be abundantly able to alike avoid the two extremes of no legislation on the one hand and unjust and discriminatory enactments on the other.

The Test for Governments.

This is a time when governments are being weighed in the balance. The time that has tried men's souls, the things that have tested their mettle and proved their fibre, have passed from the personal to the national. The bitter cup of duty was given to many in the great war and numerous were the prayers such as that voiced by the Savior in Gethsemane: "O my Father, let this cup pass from me." Only real men and women were able to add the remainder of the prayer: "Nevertheless, not as I will but as Thou wilt." Even as it was with individuals in the fight for the establishment of free government, so now also is it with the governments themselves. All governments must vindicate their right to existence. Mankind has come to realize that governments are sacred only when sacredly administered. Governments the most ancient and considered the most stable are falling apart.

Our government is generally viewed with favor by lovers of liberty everywhere. If we are to continue to enjoy that distinction we must be just to our own people at home in order to appear just to the world at large. It is no more pleasant for nations and states to quaff the sometimes bitter cup of duty than it is for individuals to do so; but if for our Nation at this critical time there is substituted anything different, pleasant and alluring though it may seem, then only will disaster be our part and repentance our lot.

Because, then, this Nation is known to stand as an example to mankind, pointing the way to liberal government and lighting the path to freedom for the oppressed of the world, it is but meet and proper that we understand and appreciate that American government, nation and state, functions not alone for American citizens but also as a guiding influence in the world at large.

One fundamental truth we must have ever in mind. While appreciating that governmental functions are political functions, we must not degenerate into the belief that political functioning is perfectly exemplified in partisan bickering. I greet you, then, members of the Legislative Assembly, of whatever party affiliation, in the hope that in the important work at hand for the people of this State, and for the general good, there may be none of narrow partisanship. It is my hope that there be no hard and fast divisions on legislative matters along lines other than those of honest opinion and fundamental conviction.

In conformity with the Constitution of the State I shall from time to time during your session transmit to your honorable body such facts and reports as to the condition of the State and the various departments thereof as may be available. It is not my purpose at this time to go into great detail either as to the conditions or the needs of the commonwealth. I shall briefly call to your attention some of the more important subjects which in my opinion are worthy of your consideration. But before doing so I desire to speak just a word as to the part played by Montana and her people in the great world war just closing.

Proud Part Proudly Played.

Without equivocation or hesitation I can say to you and with much pride that Montana did her part in every particular of war and kindred work. Our sons were on the battlefields of France and Belgium with the first American units, and, in proportion to our real population, in greater number than those of any other State. That they were brave, courageous and fearless is written in the record of the battles they fought, in terms of undying fame. Many of the boys were left on the battlefields of Europe, mute testimonials to the solemn purpose and spirit of sacrifice of the American people. We would that they might have been spared, but we realize that in their efforts our cause was achieved and the world made a better and a safer place for ordinary men and women. There is little that we can do to show our substantial appreciation to those who fell in the struggle, but wherever and whenever it is apparent that anything can be done we should not be slow in doing it. Your judgment and wisdom may dictate the erection of a suitable monument or monuments to commemorate their deeds and impress upon the generations to come the fact that this people, and in this age, were not unmindful of the fact that our brightest, our bravest and our best yielded up their lives to the general good.

Certainly there should be no hesitation in providing by legislation or otherwise for the comfort and wellbeing of those who though fortunate enough to come back from the great struggle yet come home to us carrying physical or mental evidence of the cruelties and destructiveness of war. I commend to your attention such legislation as may be wise and expedient looking to the rehabilitation of the soldier boys and for the promotion of their welfare and prosperity.

In money and all things substantial Montana did her part. In every Liberty Loan drive, in all Red Cross and kindred subscriptions, our people responded cheerfully and generously. Our record is one of which we may all be proud, and one that will bring to us much of substantial benefit in the future.

The State produced and yielded her abundant resources in the support and maintenance of every department of the war and war work. Our fields and farms, our forests and mines all gave of their bounty and contributed to the great cause and are entitled to a proportionate share of the credit for the ultimate victory.

The people at home were not idle; nor indeed were they satisfied with making the resources and products of the State available for the general good. For the period of the war differences were put aside and men, women and children pulled together without discord and with no lack of enthusiasm and effective good will. The unity of spirit and the

element of co-operation thus achieved contributed mightily to the success of the instant cause and made for future solidarity and effectiveness.

Public officials were called upon for a larger and a broader service. Every department of State, County and City took on added burdens. The wonderfully successful Selective Service Act was made effective and popular very largely through the untiring, intelligent and efficient administration of it by the State, County and City officers and local citizens enlisted in its multitudinous and difficult tasks. Too much cannot be said in praise of the Local and District Boards. The men who composed them closed their eyes to all save duty. Politics, religion, relationship, friendship and business considerations were waved aside and duty, plain, homely duty, was the watchword and right the touchstone of action. American official life carries no precedent for such accomplishment. The department officials at Washington constantly assured us that Montana was responding intelligently in this particular, and the whole achievement when consummated gives us a standing among the States that is indeed conspicuous and worthy of emulation. I cannot dismiss this subject without reference to the fact that much of our success in the draft matters was due to the intelligent and untiring efforts of the Adjutant General of Montana, Phil Greenan.

State Council of Defense.

The Fifteenth Legislative Assembly in special session created a State Council of Defense and made ample provision for its war activities. The members of that Council responded to a large duty in a masterful manner. The State and the Nation realized much from the activities of the body. Needy farmers were provided with seed grain, and relief was brought to those who were deserving. In addition to that, the Council was enabled to assist in bringing to justice the seditious and disloyal.

Much of the war work activity fell to the lot of public officials. I am proud of the record they made in this important field. It is not necessary to enumerate them; some were heads of departments, others worked in humbler positions, but all responded to the necessities of the occasion.

Reference to the part Montana played in war activities would not be complete without mention of the Extraordinary Session of the Fifteenth Assembly, held in February of last year. No body of men ever assembled in closer accord or with a more harmonious desire to respond to the call of the public good. The work of that special session was important and highly successful. While some of the laws then enacted were drastic, they were necessary, and experience proved them to be adequate and effective. The stamp of disapproval placed by the Legislative Assembly of Montana upon treason and sedition went far to eliminate those guilty of such crimes from our midst. The few who did not take the hint and leave Montana were tried, convicted and suffered punishment. No session of Montana's Legislative Assembly ever yielded more in substantial results, or deserved more of praise and commendation, than the Extraordinary Session of the Fifteenth Assembly.

Tax Matters.

Two years ago it was my pleasure to direct the attention of the Assembly to the matter of taxes. In conformity with the message recommendation on the subject, there was enacted by that body a law providing for a State Tax and License Commission, to investigate tax matters in the State and report thereon, with recommendations for the guidance of this Assembly. I have the honor to report that the Commission so created and established has conducted most intelligent, painstaking and thorough investigation of the subject of taxation.

The Commission has filed, and there will be submitted to you for consideration, a most comprehensive report of its proceedings, together with drafts of bills and recommendations of laws by the Commission deemed necessary and proper. The people of the State of Montana are under obligation to the gentlemen of that Commission for their diligent effort and for the very excellent report submitted.

To my mind, the largest task you have to consider at this session is taxation. You cannot begin upon its consideration too early, but you should not act in the premises with undue haste. In the same connection: Two years ago attention was called to the fact that there was at that time, and would likely be at the end of the two-year period, a shortage in the funds of the State unless some means was provided for raising more money than was available under the then existing conditions. The Fifteenth Assembly, acting upon such suggestion, enacted a bill fixing an annual corporation license tax of one per cent upon the total net income received by corporations from all sources within the State over and above the sum of $10,000.00.

When the measure was under consideration by the Assembly it was estimated by those who were in a position to know that the imposition of a license tax of one per cent would in two years yield approximately $1,200,000.00. As a matter of fact there was collected under the provisions of said law $789,084.52 in 1917, and $572,045.01 in 1918—a total of $1,361,129.53. The added revenues thus obtained have taken care of all expenditures, wiped out the deficit, and leave the State in better shape financially than it has been in some time past. At the same time it must not be understood that the finances of the State will justify extravagant appropriations or enlarged expenditures. The financial problem is always important. It is no less so now.

I urgently recommend that the matters of taxation, revenue and expenditures be given the most careful, conscientious and painstaking consideration by the Assembly. This is all the more important in view of the fact that liquor license revenues are now lost to the State.

National Guard or Other Form of State Police.

With the close of the war a new burden is thrown upon us. World conditions are unsettled, and public peace often disturbed. It is evident that there must be available for the use of the State some force adequate to cope with possible lawlessness and disorder. The one regiment of National Guard hitherto maintained by the State has gone into the Federal service. When it is discharged reorganization will be necessary. Our State National Guard and Militia laws do not conform to the Federal laws. There must be legislation to harmonize or the State will not be able to maintain a National Guard and receive the financial benefits from the general government contemplated by the Federal act.

In this connection your attention is called to the fact that in times past the Montana National Guard has been used to quell domestic disturbances, riots, mobs and general disorders. A good many States have adopted State Police or State Constabulary systems, and have found them most effective as well as much more economical than the use of the National Guard for such purposes. In this connection, also, your attention is directed to the fact that the Attorney General is of the opinion that a considerable appropriation will be necessary for the adequate enforcement of the prohibition law. These matters may well be considered together. The whole subject is respectfully called to your attention for appropriate consideration.

New Counties.

Already there is evidence of activity on the part of the people of some of the various communities of the State looking toward the creation of new counties. During the time I have been Governor of Mon-

tana I have often stated my lack of confidence in the system of creating counties by special legislative enactment. I still believe it to be a mistaken course.

It is possible under our Constitution to have a general law under which counties may be created by the people themselves. If there is necessity at this time for a new county division law of general application it may well be enacted. Your attention is directed to the matter and it is urged that suitable provision be made in the premises.

Influenza.

During the last year the world has experienced one of the greatest epidemics known to mankind. The dread disease, influenza, and its resultant complication have not left America free from its ravages. Montana has suffered, and the best authorities advise us that we will continue to suffer in common with other countries. Your attention is directed to the advisability of providing suitable means of fighting this epidemic and caring for the unfortunates who are so stricken. The State Board of Health and Volunteer Red Cross have done most effective and intelligent work and ample means for meeting like contingencies in the future should be provided.

Industrial Accident Board.

The Industrial Accident Board has more than justified its existence. The department still holds a record for economy as well as for efficiency as compared with like departments in other States. The decisions of the Board have met with approval to such an extent that no appeal has yet been perfected from its rulings. In the administration of the new departments of Boiler, Mine and Coal Mine Inspection the wisdom of the Legislature in making the change has been vindicated. The results show increased efficiency and a material saving. It is a matter of congratulation that the interests of employer and employe have been so justly served as to meet the approbation of both.

State Highway Commission.

The existing Highway department was created by the last regular Assembly. It is a non-political commission consisting of six republicans and six democrats. The commission is made up of the highest class men in the State. Their work has been held up by the war, but with the close of the war and the removal of incident restrictions a large and useful work may be done. Your particular attention is directed to this department because of the fact that as time goes on the necessity for an adequate Highway department will be more and more apparent.

Survey of Feeble-minded.

The Fifteenth Legislative Assembly made provision for a survey of the feeble-minded of the State. The object of the law has been accomplished, and the results of the survey will be submitted to you for proper consideration. It was the intention that legislation be enacted on this most important subject. Your attention is called to the fact that Section 3611 of the Revised Codes of Montana of 1907 may well be amended so as to prevent the marriage of first cousins, and thus will be taken a step in the direction of prevention.

Foreign Languages.

The Montana State Council of Defense, acting under its extraordinary powers, made an order forbidding the use of the German language in public gatherings and religious services in the State. Such an order, can of course, be effective only during the period of the war. The Council at the same time discontinued the teaching of the German language in the schools and institutions of the State. This order brought forth much comment and some protest. Several hearings were held by the Council, but the original order was never altered or rescinded. Your attention is directed to the subject and I recommend to you that there

be suitable legislation regulating the use of all foreign languages, and governing the matter of teaching the same in our schools and institutions. Personally, I am opposed to teaching the German language in the public schools of Montana, and I am certainly unalterably opposed to the use of the German language in teaching other subjects in our schools or institutions. There ought to be suitable requirements absolutely compelling the understanding of the English language by all those who seek to become citizens, or even permanent residents, of this country.

America has been called the "melting pot." Foreigners will not melt and merge into our Americanism until they understand the language of the country. The individual who does not care to learn the English language should not be admitted, and if any there be in the country at this time who cannot understand and use that language, they should be compelled to familiarize themselves with it within a reasonable time or remove from our midst. The individual who lives in, moves about, and draws his subsistence from this country and yet refuses to learn our language remains an alien just as much as though he still remained physically beyond the confines of our country. His spiritual existence, his patriotic inspirations—if he has any—are drawn from abroad and not absorbed from within.

The Amazing Myth.

The hearings held by the Council of Defense on the German language question developed the fact that propaganda had sometimes been spread through schools and churches. The amazing myth "German efficiency" had been reiterated and dwelt upon to such an extent that large numbers of our own people were deceived by it. German authors and educators had written their ideas into our literature and text books until there was created an abnormal, exalted opinion as to Germany and a corresponding belittlement of the other nations. For instance, the English people were constantly held up to scorn and condemned for matters having to do with the Revolutionary war, whereas nothing was ever said of the fact that the Revolutionary war was precipitated by the abuses of a German dynasty and a German king temporarily occupying the English throne.

While our Constitution grants to every man the right to worship God according to the dictates of his own conscience, I believe that we are not going too far when we insist that public services be at least translated into the English language. I also insist that foreign language publications, if they are to be circulated among our people, should carry English translations side by side, so that there may be no question as to the text of the foreign language articles. This is a day when the discussion of all public questions should be so written and spoken that he who runs may read and understand.

Farm Bureau.

Of all the active agencies engaged in general welfare work, and particularly in war work, during the past year and a half, none has been more effective or widespread than the Farm Bureau. This organization of farmers has done much to awaken the spirit of patriotism in the rural districts, and has aided mightily in the solution of farm problems generally and particularly of production and marketing, and all of the other problems incident to the various local communities.

Farm Loans.

The subject of State farm loans has been given much consideration in the past. The law enacted by the Assembly two years ago has resulted in the loaning of more than $2,385,000.00 of the Permanent School Fund of the State to the farmers of Montana. The law has worked admirably, but some changes and amendments may be necessary in the light of experience.

State Hail Insurance.

The State Hail Insurance law has been in effect two years and, while it may be said that the plan has worked successfully, important amendments should be made to the existing law in order to guarantee the fullest benefits from the plan.

Oil Inspection.

Montana is one of the few States having no adequate standard for oil grades. Much complaint is constantly heard relative to the character of oils and gasolines sold in the State. Your attention is respectfully directed to this very important subject. The use of fuel oils is becoming more and more common in every line of industrial activity.

State Supreme Court.

Since Montana was admitted to the Union our Supreme Court has consisted of three Justices. It is becoming more and more evident that three men cannot do the work contemplated by the Constitution and required under our laws. Some years ago it became necessary to create a special commission in order that the Court might catch up with the pending appeals. The same condition now obtains. The Court is almost two years behind, and there is little likelihood of three Justices being able to dispose of the accumulation of work and dispatch the current business. For that reason your attention is respectfully invited to the advisability of enlarging the membership of the Court by the addition of two Justices.

Deficiencies.

When the appropriations for the current biennial period were made two years ago, figures were submitted based upon prices then current. It is a matter of common knowledge that commodities and supplies of all kinds increased very materially in value soon after the adjournment of the Assembly two years ago. The result has been that in the larger institutions, notably in the Penitentiary and the Hospital for the Insane, deficiencies of considerable proportions will be presented to you for consideration. The institutions were handled economically and carefully, but the State Board of Examiners and those in direct charge of the institutions believed, and still believe, that it is much preferable to present claims for deficiencies to allowing the institutions to run down or the standard of care given the unfortunates confined therein to deteriorate.

Forest Fire Prevention.

At several sessions of the Assembly the matter of preventing forest fires has been under consideration. The last special session gave consideration to the matter, but no adequate law was enacted. The State Council of Defense put into effect last summer a very drastic order, and by virtue of that order much property was saved in the State, fire losses being reduced to the minimum. With the ending of the war there will be no State Council of Defense and no means of bringing into existence such an emergency order for any future contingency. Your attention is therefore called to the matter, so that a general law of suitable application may be enacted at this session.

Herd Law.

Herd laws have been a bone of contention in former Assemblies. As the settlement of the State progresses the issue becomes more insistent. The present herd law does not seem to be satisfactory or easily workable. Your attention is directed to this very important subject.

The Red Flag.

The special session of the Fifteenth Assembly enacted commendatory legislation having to do with the use of the American flag. Our country is now essentially a country of one flag. There is no place

here for the red flag of anarchy. You should provide suitable means for the suppression of the red flag and other emblems of antagonism to our government.

State Purchasing Agent.

It has been my pleasure in the past to recommend a State Purchasing Agent, with power and authority to make purchases of all supplies required by the State. I am still of the opinion that money can be saved to the State if some comprehensive plan of making purchases of State supplies is adopted.

State Institutions.

The various State institutions and departments have submitted their reports. These will be placed in your hands for appropriate consideration. I know that you will give careful attention to these and all other governmental matters. May I not suggest the wisdom and advisability of appointing committees to investigate the State institutions and departments and check up their affairs and administration? Those who are in charge of the institutions will welcome the fullest and freest investigation, and will be much benefited by the intelligent suggestions of the business men who compose the membership of this body. The departments of State located within the Capitol are open to you, both for your investigation and for your use in the discharge of your duties. Do not hesitate to call them to your assistance, to make suggestions, legislative or personal, for the improvement of the service.

Public Improvements.

There is necessity for public improvements of various kinds, such as road building and public buildings in different parts of the State. There will also be a demand for employment on the part of many people who have been otherwise employed during the period of the war. Wherever useful and necessary public improvements can be provided, it should be done for the double purpose just mentioned.

The Federal government has in contemplation several plans for assisting returned soldiers and sailors and providing work for them. I heartily approve of the plan for reclaiming lands and providing farm homes for soldiers and sailors. The State may be called upon to cooperate with the general government in some of these plans, and if so we should not hesitate to respond in a substantial manner.

Prohibition.

The State is just now entering upon its "dry" era. In my opinion prohibition of the liquor traffic is a boon much to be desired and of inestimable value to any constituency. We must not forget, however, that the prohibitory law is not different from other laws; it is not self-executing or automatically enforceable. It will require earnest, energetic and vigorous, not to say sympathetic, effort on the part of the prosecuting authorities. It may require special enactment by your body to make the spirit of the new departure thoroughly effective and successful. Ungrudging aid and willing co-operation should be forthcoming from every department of State.

Primary Law.

With the first attempt to use the Montana Direct Primary Law there came evidence that its operation would not result in equal and exact justice as between candidates and political parties. In each succeeding application of the law the defects and deficiencies have become more apparent and the resultant inequities more flagrant. Two years ago I urged the amendment of the law, but nothing was done. It ought to be patent to everyone by this time that the law is unfair in its operation and should not be continued in its present form.

Salaries.

While we are all anxious to hold down the expenses of State government and to make the dollars go as far as they will, yet there is one subject that I feel constrained to bring to your attention. The salaries of many State officials and employes stand where they were fixed when Montana took on the dignity of statehood. Some new offices have been created and some salary adjustments have been made. The result is an inequality that ought to be rectified. Some of the elective State officers, holding the most important, dignified and responsible positions, still draw compensation as originally fixed when the offices were created. Former Legislative Assemblies made generous adjustments of the salaries of the Governor and Attorney General. Some of the salaries of other State officers and employes ought to be adjusted so that there would be uniformity and equity. The matter will doubtless appeal to your sound business discretion.

Citizens Subject to Military Duty.

Complying with the provisions of the Statutes, I have the honor to advise you that, according to the report of the Adjutant General, the number of able bodied citizens qualified for the performance of military duty, as shown by the several registrations in the State, during the war, is 201,296.

Disbursements by the Governor.

In accordance with the provisions of the Constitution, I submit the following statement of moneys belonging to the State, and received by the Governor and by him paid to the State Treasurer, for the biennial period ended November 30, 1918:

U. S. aid to Soldiers Home	$2,175.00
25 per cent Forest Reserve receipts	193,219.08
5 per cent public land sales	39,769.16
Total	$235,163.24

Concluding.

Finally, in closing permit me to express the wish that your work may be pleasant and fruitful of much good. The people of the State are awake as never before to the fact that in a people's government the masses of the people must be served. It will not be sufficient to serve a locality, a faction or a party. Only whole-hearted, broad-gauged and clear-visioned statesmanship will meet the entire approval of the various constituencies of the State. I address you today in the assurance that you possess such elements and that the same will be made manifest to the public at large as time proceeds.

S. V. STEWART,
Governor.

SPECIAL MESSAGES.

REFORM IN GOVERNMENTAL METHODS.

February 19, 1919.

The President of the Senate,
Senate Chamber,
Helena, Montana.

The two partial reports of the Joint Investigating Committee heretofore appointed by the Senate and House have served to confirm my own oft expressed opinion and that of every business man connected with the State administration as to the necessity for reform in the methods employed by the State of Montana in the conduct of its various activities in departmental and institutional administration.

Six years' experience in the office of Governor has demonstrated to my mind that there should be adopted and installed a system that will result in coordination and simplification of the State's business affairs. I have realized for example, that the State may save considerable sums of money in the one particular of the purchasing of supplies, and to that end have heretofore recommended a Purchasing Agent.

There are bills pending in your bodies looking to the creation of a Board of Control, a budget system, and various other reforms. I fully agree with the investigating committee that the result of today is due to the fact that our system has been created piecemeal as a result of the action of fifteen Legislative Assemblies. To my mind it would further confuse the whole situation to attempt to remedy it by anything short of a general revision. This cannot be done hastily, and certainly will not be accomplished by the creation of more boards and offices and the incidental expenses appurtenant thereto.

If we are to adopt a general system of handling the State's business it ought to be done carefully and intelligently, and upon the recommendation of some Board or Commission who are in a position to draw upon all information available on the subject and to profit by the experience of other States and other people. I most heartily endorse the plan of creating an Efficiency Board along the lines laid down in Senate Bill 117, known as the "Efficiency Bill". The Legislature may well create such a commission, and may with perfect propriety name the men who are to make the investigation. The work of the commission is in the nature of a Legislative investigation, and the commission will be responsible to the Legislative Assembly of Montana, to which it will report recommendations and suggestions to meet the necessities of the State. Your commission should be, and if created no doubt will be, composed of high class business men of such character, reputation, and qualification as to remove any objection on the ground of political or other bias.

While it may take some time to make the preliminary investigation and evolve a proper system, nevertheless if the work of the commission should be completed in time to justify the submission of the report to the Legislative Assembly at a date earlier than the convening of the Seventeenth Session, there is no reason why the Assembly cannot be convened in extraordinary session for the consideration of these most important matters.

I wish to assure you that I stand ready in this matter, as in all other matters, to take appropriate action in calling a special session of the Assembly whenever the conditions are of such exigent necessity as to warrant such call.

The members of this Assembly will no doubt agree that a general system cannot be successfully worked out by a series of amendments any more than by a duplication of boards and offices, as thereby we would only increase the confusion of which complaint is now made. There are Constitutional provisions and prohibitions that must be taken into consideration, and if we are to secure the best general results we must arrange to amend the Constitution in the particulars wherein experience and the growth of the State indicate that the particular provisions stand in the way of successful and adequate reform. Monuments are not built from the top townward, and if we build the new and much desired system upon a firm base, then shall we have something that will endure and be of great benefit in future years.

S. V. STEWART,

Governor.

JUDICIAL REDISTRICTING.

January 22, 1919.

The President of the Senate,
Senate Chamber,
Helena, Montana.

In view of the fact that a considerable number of bills have been introduced at this session of the Legislative Assembly looking to the creation of new Judicial Districts and more District Judges, I am impelled to call your attention to the fact that in my opinion the State of Montana already has as many District Judges as the necessities require.

It is possible, and, in fact, very probable that the distribution of Judges is not such under the present system of District organization as to make for the best efficiency. In some instances the Judges have more work to do than they should be required to perform. In other instances the work is very light; so that if there could be brought about a reasonable and fair distribution of the Judgeships and of the duties incidental thereto the State may be saved increased expenditures.

You will not overlook the fact that the salaries of District Judges come from the State treasury and are paid by the taxpayers of the whole State, and not by the taxpayers of a given district. Twenty years ago Governor Robert B. Smith suggested that salaries of District Judges should be made chargeable to the counties. Later other Governors urged that the State be redistricted and that the matter of Judges' salaries and expenses be adjusted. It seems to me that this is an opportune time to make that adjustment.

There is no reason why you cannot pass a law to take effect at the expiration of the present Judicial terms, and thereby right the whole situation without injury or injustice to anyone. We hear considerable talk of State expenditures, and yet very few realize that a considerable item of State expenditure is included in the salaries and expenses of the twenty-seven District Judges of the State, the salary item alone being $108,000.00, without traveling and other expenses incidental to the maintenance of a Judicial position.

I deem the matter of such importance as to justify your most careful consideration.

S. V. STEWART,
Governor.

VETO MESSAGES.

CONFISCATED LIQUORS.

March 3, 1919.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith House Bill No. 434, "An Act Providing for the Delivery of all Intoxicating Liquors Confiscated under the Prohibition Laws, to the County Board of Health" without my approval and with my objections thereto.

This Bill directs that all liquors confiscated by officers of the State in the enforcement of the prohibition laws shall be delivered by the officer having custody of the same to the County Board of Health of the county wherein such liquors were found, and that it shall be the duty of such County Board of Health to use the same for medicinal purposes.

The people of the United States, if not of the world, have come to realize that alcoholic liquors are not beverages, but may be medicines. The intention of this Bill is to preserve confiscated liquors for medicinal purposes. It is possible to so draft a measure and so surround those who are to administer it with proper safeguards that this may be accomplished. I am, however, convinced that the Bill before me does not afford adequate and proper safeguards for the distribution and disposition of liquors in Montana.

Our laws are very drastic, and much liquor has been seized by officers. I am advised that in several counties stocks of liquors aggregating several thousand dollars in value are now in the possession of officers and will be destroyed unless the laws are changed. While I assume that in most instances the County Boards of Health would honestly administer the law, we all know that there are usually exceptions. We have approximately half a hundred counties in the State, and as many County Boards of Health. This Bill leaves ample room for abuses and does not provide penalties or even directions such as ought to characterize such a measure. We ought not put anything upon the statute books that will be construed as receding from the great principles of temperance adopted first by the people of Montana directly for their own government and later by the people of Montana in common with all the people of the United States in the matter of national prohibition.

It ought to be possible to work out a suitable and safe law on the subject and one that may not be so readily abused. I am satisfied that such a result has not been accomplished in this instance. I am therefore returning the Bill to you without my approval at this my first opportunity to do so in order that the Legislative Assembly may have an opportunity to further legislate on the subject, if in the wisdom of the members it can be done with safety and appropriate provision for the government and direction of those who are to be entrusted with the possession and distribution of confiscated liquors in Montana.

S. V. STEWART,
Governor.

Veto sustained by vote of 70 to 5.

TAX COMMISSION.

March 3, 1919.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith House Bill No. 8, entitled "An Act to Create a Permanent Tax Commission and Define the Powers and Duties thereof", without my approval and with my objections.

This bill seeks to create a Tax Commission and designate the men who are to be Commissioners. I am constrained to withhold my approval of the proposed measure because of the fact that I cannot bring myself to subscribe to the doctrine that the Legislative Body of Montana was ever designed to be an appointive agency in the government affairs of the State. It is my firm belief that the people of this State clearly intended that the Legislative Branch of the State should enact laws and perform general Legislaive functions, and that the Executive department should exercise such functions as tradition and precedent have caused to be generally considered executive in character.

The power of filling offices when vacancies obtain at a time when the people cannot themselves exercise the franchise in that behalf is an executive function. This fact is generally recognized; and in this particular instance the State Tax Commission created by the Legislative Assembly two years ago and whose recommendation brought this measure before you, recognized that the power of appointment in this very

matter was properly vested in the Governor. That Commission prepared the original draft of the proposed measure, and it is interesting to note that as originally drawn, and as it first passed the House of Representatives, the appointments were left to the Executive. It is also of more than passing interest to recall the fact that the last named Commission numbered in its membership not only one of the most prominent lawyers in the State but also one of the men now named in the bill as a member of the Permanent Tax Commission.

This matter is not novel or new. In times past it has been considered in Montana. The Ninth Legislative Assembly created some offices and sought to name the incumbents. Honorable Joseph K. Toole, then Governor of Montana, protested and most ably presented the right of the Executive in the premises. His veto message on House Bill No. 58 of that Session, which bill sought to create and fill a judicial position was not only the ablest and most comprehensive public document ever issued by that Statesman, but in the opinion of many it was the greatest State paper that ever emanated from a Montana State Official. Governor Toole entered into the matter at great length. He presented not only the law but the logic of the entire subject. His remarks are too lengthy to quote in full at this time, nevertheless I cannot refrain from quoting to you some of the important parts of that most able document. He began his discussion of the subject with this declaration:

> "This bill, if not unconstitutional in attempting to name the judge for the new district, is violative of sound public policy." Again he said, "It is uniformly admitted that the continued success of a Republican Form of Government is due to the wonderful wisdom with which the functions of Government were distributed between the three principal departments: The Legislative, the Executive and the Judicial.
>
> "Another provision worthy of note is that which gives to the Governor the supreme executive power of the State.
>
> "Eminent Constitutional Lawyers have gone so far as to maintain that the exercise of the appointive power by the Legislative Body is positively forbidden by that clause (found in the constitution of every State) which divides the powers of Government into three departments, Legislative, Executive and Judicial, and prohibits those charged with the exercise of one class of power from exercising powers belonging to either of the others."

The Governor then quoted the provisions of our own Constitution and compared them with the provisions of the Federal Constitution. His arguments and authorities seem to clearly establish his contention. He closed his message with such pertinent paragraphs that I do not hestitate to give them to you in full.

> "So far as I am personally concerned, I have no desire to exercise the power of appointment. The exercise of this power is not always, indeed, not often, satisfactory or agreeable from a personal standpoint. It invariably leaves in its train disappointed ambitions and often life-long animosities, but such considerations cannot be taken into account or allowed to weight the balance down against a Constitutional duty. There are many other things pertaining to the duties of the Executive which are far from being satisfactory or agreeable but which must nevertheless be done. The great debt which the Legislature owes to the people of Montana can be more honorably and more worthily paid

than by vainly seeking to find an office for every one of that vast multitude of deserving and patriotic citizens who eagerly seek such appointments.

"Nor can it be said that I shall have fairly discharged my duties to the people by merely dispensing official favors to those who, with their petitions and importunities, daily lay siege to the Executive Office. Appointing to office is only a part of my duty. Has the trust been abused? Can it be said that I have in the past, with a false sense of party fealty, turned a deaf ear to those who have politically differed from me, and appointed unworthy men to public office?

"Disclaiming the vain, and the foolish idea that I am any better or greater than the people who have honored me or the distinguished body to whom I send this message, but instinct with the determination to do my duty as I understand it by preserving intact proper Executive powers, regardless of consequences, I decline to accept any part of the responsibility for a measure which usurps Executive authority. My constituency expects no such thing from me. They will approve what I have said and will be content with nothing less.

"The foregoing objections which I make to the passage of this measure are therefore in no sense personal, but reflect my best judgment as to the proper powers and duties of the Executive, not only with regard to this particular bill, but to all other measures, now pending or hereafter introduced, which seek to transfer the power of appointment of important State officers from the Executive to the Legislative Department.

"It is altogether better that an otherwise good measure should fail than that its accomplishment should circumvent the Constitution or sound public policy which has been uniformly acted upon so far as important State officers are concerned, since the organization of the State, except in the instance to which I have called your attention."

While it would seem that the reasons heretofore assigned were in themselves sufficient to justify the action I have taken on this Bill, nevertheless there is yet another reason why, in my opinion, the bill need not be enacted into law at this Session.

House Bill No. 8 is one of a series of measures recommended by the Tax Commission created by the Legislative Assembly two years ago. The other bills, to-wit: House Bills Nos. 7, 11, 12 and 30, have been approved and have become laws. House Bill No. 7 provides for the submission to the voters of the State of an act looking to the amendment of the Constitution so as to warrant the creation of a permanent Tax Commission with constitutional authority. If the people approve the proposed amendment, we will have a permanent Tax Commission with full authority in all tax matters. This Commission would then take over the duties and functions of the Commission proposed under House Bill No. 8 and would at the same time be clothed with all of the authority and all of the functions of the State Board of Equalization.

I most earnestly favor a permanent Tax Commission with constitutional and complete authority such as contemplated under the terms of the proposed constitutional amendment. The other tax bills heretofore mentioned, invest the State Board of Equalization with broader and fuller and more complete authority in tax matters during the next two years, or until such time as a constitutional Tax Commission shall have been created.

The Tax Commission proposed under House Bill No. 8 can only be advisory and supplemental to the State Board of Equalization during the next two years. Ultimate authority must remain vested in the State Board of Equalization. Therefore, the acts of the proposed Tax Commission must be of a limited and restricted character. I am convinced that the State Board of Equalization, if given the proper appropriation, can perform the duties now vested in that Board and the duties contemplated under House Bill No. 8. If House Bill No. 8 goes into effect, there will be three new offices created, each officer to receive a salary of $5,000.00 or a total of $15,000.00 per annum for salaries alone! In addition to that experts, clerks and other employes will be engaged.

I am of the opinion that the State Board of Equalization can utilize the same clerks and experts and exercise as complete and more effective jurisdiction over the tax affairs of this State in the next two years than could possibly be exercised by the two Boards.

This State has had experience in the creation and administration of an Advisory Tax Commission. The Thirteenth Legislative Assembly created a State Tax Commission advisory to the Board of Equalization. The plan was not a success. The Fourteenth Legislative Assembly abolished the Board and reverted to the old system. We should profit by that experience. No one will contend, and it has not been contended at this session, that an Advisory Tax Commission will be permanently successful. If the people of the State of Montana should not adopt the constitutional amendment providing for a constitutional Tax Commission and thereby abolish the State Board of Equalization, the next session of the Legislative Assembly will follow the precedent of the Fourteenth and abolish the Advisory Commission. Therefore, it seems to be but wise, proper and economical to refrain from the creation of a Board which must of necessity be temporary and which must likewise be expensive.

We are looking for an opportunity to retrench and economize rather than to create and unnecessarily expand and spend money.

I am, therefore, returning the bill to you, first because I think that the Legislature ought not to select officials in the manner proposed in this bill and, second, because I think that the creation of a temporary Commission will not serve a good purpose and will not justify the expenditure of the money required to establish and maintain it.

S. V. STEWART,
Governor.

Veto sustained by vote of 32 to 47.

RACE TRACK BETTING.

March 5, 1919.

The Speaker of the House of Representatives,
Helena, Montana.

I am returning herewith, without my approval and with my objections thereto, House Bill No. 274, being "An Act to Amend Section 1 of Chapter 55 of the Session Laws of the Fourteenth Legislative Session of the State of Montana, relating to Wagers."

This Bill is almost identical with the Bill that was passed by the Legislative Assembly two years ago and vetoed by the Governor. The grounds upon which the veto was based, and sustained by the House at that time, were merely that I did not believe in the principles involved in the attempted legislation. The same grounds are sufficient now, because I have not changed my views on the subject in any sense.

The Bill of two years ago and the measure before me now were both passed with the idea of benefiting the State and county fairs. It has been claimed that the State Fair has become a greater financial burden upon the people since the abolition of race track betting. This

is probably true in one sense, but we must not forget that no more money has been spent for the maintenance of the State Fair in recent years than under the old system. The only difference is that a larger portion of money has come from the State Treasury and no money has been derived for maintenance purposes from percentages on pari-mutuels or other betting devices.

If the people prefer to pay for the State Fair directly rather than to have the money raised under the old system of betting, then it is their business and no one else can complain. I am convinced that the people do not care to be in partnership on any kind of a game of chance, even though it should relieve the general treasury of the burden of maintaining a most meritorious and beneficial institution such as the State Fair.

To my mind the Montana State Fair is a great educational institution. From it the people derive much beneficial information and by it there is aroused a justifiable sense of pride in the resources of the State and the achievements of the people. The State Fair was never established as a money-making proposition. Fairs are not designed under our modern system to be self-sustaining. I am convinced that the people will most heartily approve a liberal appropriation from State funds for the maintenance of the State Fair and that no complaint will be heard from the taxpayers. I am also convinced that the people will complain if there is an attempt made to revive race track betting, even though it be done under the guise of economical and financial necessity.

In recent years the authorities have encouraged Boys' and Girls' clubs and contests of various kinds in the various counties. The winners in the county contests have been brought to the State Fair and entertained. Last year nearly one hundred and fifty boys and girls from thirty-eight counties of the State came to Helena as the guests of the Fair Association and were given the benefit of the educational and other wholesome features of the exposition. I do not believe that the fathers and mothers of these boys and girls will approve of any plan that will place before them the spectacle of the Montana State Fair operating and maintaining any department that may be properly denominated a game of chance.

This State has shown a quickening spirit in the things that go to make up the morale of good citizenship. This is no time to take a backward step. We should not yield an inch of ground that has been gained, but rather we must fight for further advancement. No one wants to see a prudish Montana or a narrow and small-caliber citizenship, but if the erection of proper moral standards in the State of Montana is to be successful by the citizens, then the State body politic must do its part. The citizens of this State cannot hope to advance the cause of good citizenship, of decency, of morality, or of clean living by the individual advocacy of proper righteous theories unless these theories are put into practice by the State as a whole.

I am therefore, and for the second time, forced to withhold my approval of a bill which to my mind will let down the bars and constitute a backward step in the moral development and intellectual refinement of the citizenship of Montana.

S. V. STEWART,

Governor.

Veto sustained by vote of 49 to 34.

ABSENT VOTERS' LAW.

March 11, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith House Bill No. 302, entitled "An Act to Provide a Method of Voting at General, Special and Primary Elections, Including General, Special and Primary Municipal Elections, by Electors Absent or Expecting to Be Absent on the Day of Such Election from the State of Montana or County or Precinct in which they are Electors, and Regulating such Voting, and Providing Penalties for Violations of the Provisions of this Act, and Repealing Chapter 155 of the Session Laws of 1917", without my approval and with my objections thereto.

This bill is denominated an absent voters' law and is designed to take the place of Chapter 155 of the Session Laws of 1917, and all other Acts and parts of Acts on the subject.

The subject of absent voting first received attention by the Legislative Assembly of Montana in 1915. Chapter 110 of the Laws of 1915 constituted an absent voters' law. It was found that there were some defects, and two years later the session of 1917 enacted Chapter 155 to take its place. Chapter 155 contains very carefully prepared and seemingly adequate safeguards against fraud. It is in reality an absent voters' law because, under its terms, a voter absent from the county may send to his county and from the County Clerk obtain a ballot, which he may vote at the election without having to make a trip to his home county for a ballot.

Under House Bill No. 302, now under consideration, the application must be made at a time after the ballots are printed and before the distribution to the judges, whereas, under the old law, the application might be made at any time within thirty days next preceding the election. Under the proposed act the application must be subscribed and sworn to before some person authorized to administer oaths in the county of the voter's residence. By that provision the voter must be present in the county to make his application, and really the result would be to deprive federal officials, State officials, as well as traveling men and soldiers and sailors in the service, of the benefits of voting by mail.

It cannot be said that the old law does not provide safeguards in the matter of the application. Under Chapter 155, Session Laws of 1917, the elector must sign his application, setting forth that he is a qualified elector in a certain precinct, and he must have the affidavits of two other qualified electors of his precinct attached to his application before he is entitled to receive a ballot. To adopt the provisions of the new measure is to restrict the operation of the absent voters' law to such an extent as to deprive a very large proportion of the citizens of this State of the benefits of that measure. The charges of fraud and misuse under the present law have been so few that I do not see any necessity for the drastic change proposed by House Bill No. 302.

I am, therefore, of the opinion that the interests of justice will be best subserved by the veto of the measure, and I do, for the reasons above stated, attach this my veto to the bill herewith transmitted to you.

Yours truly,

S. V. STEWART,

Governor.

IRRIGATION COMMISSION.

March 12, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, Substitute for Senate Bill No. 58, entitled:

> "An Act to Create the Montana Irrigation Commission; to Define its Powers and Duties; to Define the Powers and Duties of the State Engineer in Connection Therewith; to Provide for the Furnishing and Contracting for Power by an Irrigation District; to Provide for the Apportionment of the Cost of Pumping Water; to Provide for Drainage of Lands Within an Irrigation District; to Provide for the Issuance of Permits for the Sale of Water; and to Provide Penalties for a Violation of the Provisions of this Act."

This bill seeks to create a State Irrigation Commission. The bill is quite long and has some very meritorious features. The provisions of the bill are not confined to the creation of an Irrigation Commission; in fact the Irrigation Commission feature seems to be really the lesser feature of the bill as it finally passed the Legislature. The consent by any irrigation district to the Commission's jurisdiction is made optional. Under these circumstances, if the bill should become a law, we would have some districts under the jurisdiction of the Commission and others operating independently. I do not believe that would be a good plan.

One of the outstanding features of the measure as a whole is the fact that it gives the Irrigation Commission authority to supervise the sales of water rights and of water under certain circumstances. I have doubts about the advisability of this course. To my mind there is danger in erecting a law commission with power to make rulings which in effect may constitute adjudications of serious water right questions. There is no doubt that there are grave possibilities of serious water litigation as a result of such a course.

The claim is also made that the United States Government, and those who are seeking to reclaim arid lands, may be embarrassed by the measure. It is not clear to me that such is likely to be the result and yet, at the same time, it is not clear that such a result would not follow.

Under all of the circumstances I am unable to see enough good in the proposed measure to offset the undesirable features thereof, and for that reason I am transmitting it without my approval.

Yours truly,
S. V. STEWART,
Governor.

FISHING AND HUNTING LICENSES.

March 12, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am handing you herewith Substitute for House Bill No. 52, being:

> "An Act to Amend Sections 1, 22, 29, 32, 34 and 40 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, relating to

Hunting and Fishing Licenses, and Regulation of Hunting and Fishing in the State of Montana."

without my approval and with my objections thereto.

This bill proposes to change the hunting and fishing laws in many particulars. I have compared the suggested changes with the present law and find that in most instances they are unimportant. However, there is one particular in which I think the bill would be likely to work a hardship. The bill requires that at the time of issuing hunting and fishing licenses a button shall be given to each holder of a license, to be known as a hunting and fishing button, each button to bear on its fact the words "Hunting and Fishing License of the State of Montana for the year 1919—Montana Game and Fish Commission". The bill also directs that new buttons shall be furnished annually, and that they shall be worn by people hunting and fishing. I see no good to be accomplished by the wearing of these buttons. Game Wardens, when they accost hunters or fishermen, will doubtless want better proof of the possession of a license than the mere exhibition of a button, which might be passed from one individual to another. A button of the size and dimensions required, and with the wording suggested, would cost a considerable amount of money and, in my opinion, would serve no good purpose. Approximately 75,000 licenses are issued every year. The distribution of that number of buttons as well as the cost thereof would involve considerable burden.

The proposed bill seeks to reduce non-resident licenses from $3.00 to $1.50. I can see no reason for that change. The other changes sought to be worked in the existing laws are of such a slight character that I can see no reason for putting through a lengthy bill of this kind, with its repetitions. In the particulars wherein it differs from the present law there seems to be little of merit in favor of the proposed measure. It seems to me that we ought to change the laws on this subject as little as possible, unless there is something really to be gained. The people seek to familiarize themselves with the laws and to obey them generally. If we are to keep changing all the time without any apparent reason it will simply mean that by the time the people come to understand the provisions of a law, a Legislature will change it and substitute something "just as good"— but probably no better—merely to the confusion of the sportsmen.

For the reasons above assigned I have refused to sign Substitute for House Bill No. 52.

Yours truly,

S. V. STEWART,

Governor.

STATE EXAMINER'S FUND.

March 13, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 282, being:

"An Act to Amend Section 215 of the Revised Codes of Montana of 1907, Relating to the State Examiner's Fund."

The only difference between this bill and the present law is that the money paid in, under the terms of the existing law, is passed to the credit of the State Examiner's Fund and is used to defray the expenses of that department. The bill under consideration directs that all moneys collected in pursuance of the act shall be paid into the State

Treasury and deposited to the credit of the General Fund. This would be satisfactory if the Legislature had appropriated sufficient money to pay the expenses of the department for the biennial period. As a matter of fact, there was some misunderstanding on the part of the Legislators and there was no sufficient appropriation made. The expenditures of the department for the past year were considerably in excess of the amount attempted to be appropriated. As the expenses of the department are largely paid from funds collected from the counties and banks, there is no reason why these funds cannot go into the treasury to the credit of the State Examiner's Fund. In fact, if such is not done there will not be adequate expense money to run the department. The appropriation need not be used and the expenses can be paid from the State Examiner's Fund as indicated.

Very truly yours,
S. V. STEWART,
Governor.

GAME WARDEN BILL.

March 14, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 264, entitled:

> "An Act to Make Sheriffs, Under Sheriffs, Deputy Sheriffs, Constables and Forest Rangers, Forest Supervisors or Deputies, Ex-Officio Deputy Game and Fish Wardens," etc.

This is the much discussed and quite celebrated Fish and Game Bill, which seeks to dispense with the services of Deputy Game Wardens and impose upon Sheriffs, Under Sheriffs, Deputy Sheriffs and Constables of the several counties, and upon Forest Rangers, the duties now performed by Deputy Game and Fish Wardens.

The Montana Fish and Game Department was organized under the terms of an Act passed by the Seventh Legislative Assembly in the year 1901. Since that time it has grown to considerable proportions. During the last fiscal year $120,145.20 was collected from the sale of licenses and permits; confiscations, $975.77; fines, $5,371.30. The total amount of money collected by the department was $126,492.36. There is maintained from the income of the department the law-enforcing agencies, consisting of the Game Warden, paid and other Deputies, and in addition thereto the State maintains from the Fish and Game Fund fine fish hatcheries at Anaconda and Somers, as well as spawning stations at other points. The expense of the maintenance of the fish hatcheries and the distribution of fry now amounts annually to approximately $25,000.00. In the year 1918, 16,745,998 fry were distributed in different parts of the State to stock the streams in the various communities. This fry consisted of 9,551,000 trout of the different varieties; 5,965,000 greyling; 4,998 salmon, and 1,225,000 Montana whitefish. A portion of the revenues of the department have been utilized for the shipment of elk and other game from one part of the State to other sections.

The department has really achieved considerable size and importance and, to my mind, it has done a great deal of good in the way of game and fish protection and propagation. Game and fish constitute one of the most attractive assets of the State. Constantly people are coming to Montana, and to all of this western country, because of the hunting and fishing, and very ofen they invest their money and become perma-

nent residents, or at least investors. I am convinced that the people of Montana do not want anything done that will in any wise tend to remove from the game and fish the protection that is now afforded them; and certainly no sane man or woman wants to put anything in the way of the propagation of fish in the streams of this State.

There is only one sensible way in which to accomplish the result sought, and that is by means of a well organized and carefully regulated department. Such a department costs some money, but under the present plan it does not cost the taxpayers one cent of tax money. The expenses are all discharged by those who buy hunting and fishing licenses. In other words, by the sportsmen of the State. We often hear protests about the expenses of the Game and Fish department, but ordinarily the individual who protests most vociferously is unable to produce a license for the current year when invited to do so. There has been no complaint from those who have been paying the bills.

Since the Sixteenth Legislative Assembly has been in session there have been constant uproar and turmoil and criticism about the Game Warden's department, but none has come from those who are interested and who would have the right to protest if a complaint were due. I doubt whether the learned editors who have written the mighty philippics against the department would recognize a hunting and fishing license if they met it on the broad highway, and probably most of them would scarcely be able to distinguish between an antelope and a porcupine.

It must not be forgotten that a very considerable amount of the money collected for the purpose has not been expended. There is on hand at this time in the Fish and Game Fund a balance of $83,822.36.

It is not possible to make a thorough collection of funds from the sale of licenses without giving careful attention to the same. The fact that Game Wardens are everywhere in the hunting and fishing regions tends to promote the sale of licenses. People who might hunt and fish without a license if they felt safe and secure from detection are not likely to do so when they know there is a Game Warden in the community. I venture the assertion that if this bill should become a law the income to the department would be cut in half.

This bill seeks to impose the duties now performed by Game Wardens upon the sheriffs and other officers heretofore mentioned. These officers are paid from the funds raised by general taxation. It would, therefore, mean that the obligations discharged by the funds raised in a particular manner, from the sale of licenses, would thereafter be largely paid from the general funds of the counties. I do not consider that this would be fair and right, and it certainly would not constitute an efficient method of protecting and propagating fish and game.

There is, however, an alternative offered in the bill. It is provided that when in any county the force of ex-officio Deputy Fish and Game Wardens operating in such county shall not be able to properly perform the work and protect the game, the Sheriff may certify such fact to the County Commissioners, who in turn may certify it to the State Game Warden, who in turn may certify it to the State Board of Examiners and, in case they approve, the Sheriff shall have the authority to appoint a special Deputy to enforce the fish and game laws in his county, which Deputy shall be paid out of the State Fish and Game Fund. It is not difficult to believe that instead of twenty-two Deputies, as at present, it might be possible to find the Fish and Game department burdened by fifty Deputies—one for each county.

I am of the opinion that the Sheriffs are either so busy or otherwise engaged to such an extent that the protection of game at the very best would be a secondary consideration. I do not want to impugn the motives, honesty, or efficiency of any of the Sheriffs or other officers of this State; but I do know, however, that most of them do not

desire to have this burden put upon them. Neither a Sheriff nor his deputies are in a position to go out into the fields and hills, as the Game Wardens do, and remain for days or weeks at a time during the game seasons.

I have been utterly astounded by the number of letters, telegrams, and personal appeals that have come from different parts of the State praying that this and any other kindred measure be vetoed. t is very evident to me that the people of this State are not in favor of such a change as is here attempted.

I am inclined to believe that the attempt to change was actuated by political considerations. The charge has been made that the Game Warden's department is a political machine. Such is not the case. I can personally testify that in the six years that I have been in the office of Governor the Game Warden's department has never been used as a political machine, nor has any other department. An attack was made on the Game Warden's department for political reasons early in the Legislative Session just ended. In the effort to substantiate the attack and convince the people that there was something wrong with the department, the books, accounts and affairs of the department were subjected to the most minute and careful examination and scrutiny by two different committees from the Legislative Assembly, working at the same time and each demanding the undivided attention of the State Game Warden and his office force. I know that Mr. DeHart, the State Game Warden, stood ready at all times to disclose every fact and figure having to do with the affairs of the department. After all the "shouting and tumult", and after the most searching inquiry, the investigation failed to disclose anything that could, even by a stretch of the imagination, be construed as any dereliction of duty or any contravention of honesty and good intent upon the part of the Game Warden and his force. I consider that the investigation given the department and the results, or lack of results, obtained constitute a clean bill of health and a first-class recommendation for the department and its personnel.

In the light of the achievements of the department, of its present high standing and good repute with the sportsman and the better class of citizens of Montana, I am convinced that the enactment into law of the proposed measure would not be in the interests of good government, nor would it meet with the approval of the right thinking citizens of this State. As I have said, the claim that the Game Warden's department, or any other department of this State, has been used as a political machine is absurd, unfounded and malicious. Since I have been Governor of the State of Montana I have given and caused to be given to the people of this State, both personally and through the agency of the various departments, as honest, as fearless, as independent, and as capable an administration of State affairs as was within my power. At no time have any of the agencies of State knowingly or wittingly been turned aside from honest purpose for selfish, personal, or party aims.

With an abiding appreciation of the facts just stated I have no hesitancy in saying to the critics of the Game Warden's department that they know not whereof they speak; or perhaps in some instances they speak and write in words and statements that, unfortunately for them, are lacking both in substance and in verity.

Very truly yours,

S. V. STEWART,

Governor.

CAPITOL BOND ISSUE.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, Senate Bill No. 134, being

> "An Act to Provide for the Issuance and Sale by the State Board of Examiners of Bonds of the State of Montana for the Purpose of Refacing the Original State Capitol Building with Montana Granite and Refurnishing and Remodeling the Interior of the Same; and to Provide for such Refacing, Refurnishing and Remodeling under the Authority and Direction of the State Board of Examiners."

This bill provides for the issuance of bonds to the amount of $500,000.00 for the purpose of refacing the original Capitol and refurnishing and remodeling the interior of the same.

In accordance with the provisions of Senate Bill No. 72 of the Fifth Legislative Assembly (Session Laws of 1897, page 171 et seq), the State Board of Land Commissioners issued bonds to the amount of $350,000.00 for constructing the original Capitol.

Thereafter, and in accordance with the provisions of Chapter 63, Acts of the Eleventh Legislative Assembly (Session Laws of 1909, page 69 et seq), the State Board of Land Commissioners issued bonds to the amount of $500,000.00 for the construction of the two wings to the Capitol, and in accordance with the provisions of Chapter 2, Acts of the Extraordinary Session, Eleventh Legislative Assembly (Chapter 2, Session Laws, Extraordinary Session 1909, page 5 et seq), the State Board of Land Commissioners issued bonds to the amount of $150,000.00 for the construction of such wings, the $500,000.00 theretofore issued being insufficient for such purpose.

When the Fifteenth Legislative Assembly convened it was apparent that there was not sufficient funds in the Capitol Building Interest and Sinking Fund to pay off all of the $350,000.00 bonds issued in 1897 under the provisions of Senate Bill No. 72, Acts of the Fifth Legislative Assembly, and which were about to become due, and that it was necessary to refund a portion thereof, consequently the Fifteenth Legislative Assembly by Chapter 13 (Session Laws of 1917, page 10 et seq.), authorized the State Board of Land Commissioners to issue refunding bonds to the amount of $125,000,00 and such Board in compliance therewith issued the same.

It appears that bonds are now outstanding against the Capitol Land Grant as follows:

Issued under the provisions of Chap. 63, Acts of Eleventh Session, bearing 5 per cent interest	$500,000.00
Issued under the provisions of Chap 2, Acts of Extraordinary Session Eleventh Session, bearing 5 per cent interest	150,000.00
Issued under the provisions of Chap. 13, Acts of Fifteenth Session, bearing 4 per cent interest	125,000.00
Total	$775,000.00

And it also appears that the interest becoming due annually on such bonds is as follows:

On $500,000.00 issued under the provisions of Chap. 63, Acts of Eleventh Session	$25,000.00
On $150,000.00 issued under the provisions of Chap. 2, Acts of Extraordinary Session, Eleventh Session	7,500.00
On $125,000.00 issued under the provisions of Chap 13, Acts of Fifteenth Session	5,000.00
Total	$37,500.00

It also appears that while the estimated value of the Capitol Land Grant, including deferred payments on land sold, and cash in the hands of the State Treasurer, is $3,035,075.59, the annual income from such grant during the year 1918, exclusive of amounts received by way of principal of deferred payments and principal received from sales of timber, was but $16,196.81, or $21,303.19 less than the amount required to meet the annual interest on the bonds outstanding. During the year 1918 there was also received in payment of principal of deferred payments and for timber sold the sum of $36,475.71, and in order to pay the interest on the outstanding bonds it was necessary to use the amounts received from such payments to the extent of $21,303.19, thus leaving from the total income of such grants, including amounts received as principal of deferred payments and from sales of timber, but $15,172,52 to become a part of the sinking fund to be used in payment of these bonds as they become due, and as these bonds run for twenty years, it will readily be seen that unless such amount be greatly increased during the coming years there will not be a sufficient amount in such fund to pay off these bonds when they become due.

Section 3 of Senate Bill No. 72, Acts of the Fifth Legislative Assembly (now Section 1240, Revised Codes of 1907), created the Capitol Building Interest and Sinking Fund, and provides that all moneys received from the sales of land, leases of land, sales of timber, and profits from all other sources belonging to such grant, shall be paid into such fund, and that the interest becoming due on said bonds shall be paid out of said Fund. Subsequent acts authorizing issues of bonds, by appropriate reference, make this Section a part of such acts. This Section contains no provision segregating such funds so that a part thereof may be used for the payment of interest becoming due and a part thereof shall be retained as a sinking fund for the payment of the principal of the bonds issued, and from the wording of this Section it is apparent that the Legislature anticipated that the income from sales, leases, and from all other sources would be sufficient not only to pay the annual interest charges, but also to leave a surplus which would be sufficient to pay and redeem such bonds when they become due.

I hesitate to withhold my approval of this bill because of the fact that the measure was actuated by a desire to give work to returning soldiers and sailors. For that reason I have sought to reconcile the conditions and the law. In furtherance of that idea I have investigated somewhat the possibilities of the pending measure giving employment to the returned soldiers and sailors. I have been advised by those who are in a position to know that by the time the bonds could be issued and sold, and matters adjusted so as to begin work, the acute necessity for employment for returning soldiers and sailors would probably have passed. I am further advised that it is not likely that many stonecutters and artisans such as would be employed at this work have gone to the army from Montana, or will come to this State after discharge.

This further fact is self evident. The State Capitol is in good shape. It is a comparatively new building and, while the sandstone of which the original or main building was constructed does not perfectly match the Montana granite of which the new wings are constructed,

nevertheless the building as a whole is sightly, presentable generally, and even sometimes called handsome and imposing. There is no question that the refacing ought to be done sometime, but it can very well wait until the time when funds are easily and legally available.

Verly truly yours,

S. V. STEWART,

Governor.

WAR DEFENSE FUND.

March 15, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 372, being

> "An Act transferring money received from the sale of bonds under the authority of Chapter 21 of the Session Laws of the Extraordinary Session of the Fifteenth Legislative Assembly from the War Defense Fund to the General Fund of the State of Montana and also any money to be received as payment for loans made and also transferring money received from loans made under the authority of said law into the General Fund of the State of Montana."

This bill seeks to transfer money realized from the sale of bonds under the authority of Chapter 21 of the Laws of the Extraordinary Session of the Fifteenth Legislative Assembly and remaining unused and now in the War Defense Fund, and all money to be received by the State of Montana in payment of loans made under the authority of said law from the Special Fund to the General Fund of the State.

I inquired of the State Treasurer relative to the status of the funds and as to the possibility of making these transfers, and he answered me as follows:

> "Referring to House Bill ....o. 372, introduced by Committee on Appropriations: This bill provides for the transfer of money remaining in my hands, as Treasurer, from the sale of bonds in the extent of $500,000.00, to be loaned to the farmers of Montana for the purchase of seed grain. Also the transferring of all moneys collected in the future on these loans to the General Fund of the State.
>
> "For your information would state that there was credited to the sinking fund for the redemption of these bonds and the payment of interest thereon during 1918 from the one-eighth mill levy, a total of $56,482.54. The interest on these bonds amounts annually to $30,000.00. This will leave for the redemption of the bonds alone $36,482.54. As you are aware, this issue of bonds was for a term of five years. Assuming that this same amount of money is collected each year through a tax levy, it will result in the five year period in a fund of $182,412.70, leaving us short over $300,000.00 of sufficient funds to redeem the bonds.
>
> "It is therefore very apparent to me that House Bill No. 372 should not be enacted into law."

It is evident that this bill was enacted under a misapprehension, and that it should not become a law. For that reason I am withholding my approval of the same.

Verly truly yours,

S. V. STEWART,

Governor.

DEPUTY COUNTY OFFICERS.

March 15, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, Senate Bill No. 41, being

"An Act Providing for the Appointment of Deputies to County Officers and Fixing their Compensation," etc.

This bill was introduced fairly early in the Session and was passed by the Senate. In the House of Representatives the bill found a quiet and safe resting place in the Judiciary Committee. It remained with this Committee from February 11 until March 6. The understanding of everyone was that the bill was as good as dead. However, in the last days of the Session there was some agitation and considerable apprehension over the fear of increased values as a result of the new tax classification law enacted by this Legislative Assembly through the medium of House Bill No. 30. A great many members were anxious to guard against the possibility of a wholesale raising of the classification of counties with the resultant employment of increased numbers of deputies, and higher salaries all along the line. So, on the last day of the Session, believing that this bill would offer a panacea, it was resurrected and passed by the House and it is now before me for executive action.

I have investigated the whole subject somewhat and am now convinced that there is no great impending danger from the sources indicated in the matter of unduly inflated county classifications. Under the law the Boards of County Commissioners can only change the classification of counties every two years, and on years ending in even numbers. Hence new classifications, even should the assessments warrant them, will not be operative for some time. Even should there be an increase in the classification of counties, I am still not very fearful about the result. The salaries of county officials would be raised somewhat, but not unduly, and the number of deputies could be held down within reason.

The most serious objection to this bill lies in the fact that it places too much jurisdiction in the Boards of County Commissioners. It, in effect, allows the Boards to dictate the number of deputies and the deputyships to the various county officers. I am sure that this would result in friction. It is not fair to a county official to put him into office and make him responsible for the success of the administration of his office and deprive him of the right of having adequate help of his own selection, and it would certainly be unfair to him to force him to take deputies chosen by someone other than himself. It is true that the bill provides that the County Commissioners shall not name the deputies ordinarily, but shall merely authorize them. The general effect, however, is the same. If Commissioners sought to enforce their pref-

erences they could do so by merely indicating to a county official that a deputy would be authorized if the right individual were appointed. It is only fair to say that the majority of the Boards of County Commissioners would not do this, but there might be exceptions.

There is in the bill, however, one provision that specifically admits of the Board of County Commissioners making selections of deputies to work in county offices. The latter part of Section 2 contains the following provision:

> "and the board of county commissioners may at any time when it deems it necessary so to do appoint one or more general deputies and apportion the time of such deputies between two or more county offices in such manner as the board may deem necessary in order to secure prompt and efficient discharge of the duties of the office."

Under this provision the Board of County Commissioners might deny authority to county officers to make appointments and, at the same time, make appointments themselves of general deputies. The system indicated, to my mind, is neither fair nor conducive of good results.

The schedule of salaries does not seem to be very well balanced, and this feature in itself constitutes a serious objection.

Very truly yours,

S. V. STEWART,

Governor.

STATE HIGHWAY COMMISSION.

March 17, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, Senate Bill No. 169, being

> "An Act Creating a State Highway Commission, Defining its Duties and Powers, Providing Funds to Carry out the Purposes of this Act, and Repealing Chapter 170 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and Repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana."

This bill proposes a new State Highway Commission consisting of a State Highway Commissioner and two Assistant Commissioners. The Commissioner and Assistant Commissioners who are to fill the first terms are named and designated in the bill. If there were no other objections to the measure this would, in my opinion, constitute sufficient reason for withholding my approval.

I have heretofore, in a veto message sent to the Sixteenth Legislative Assembly, relative to House Bill No. 8, presented the question of the rights of the executive in the matter of appointments. It is worthy of note that the House of Representatives, to whom such message was sent, did not pass the measure over the Governor's veto. The bill under consideration is one of a series of measures introduced during the session of the Legislative Assembly just closed, creating offices and carrying appointments. My position on this matter has been sufficiently stated, and it is not necessary to reiterate it now, further than to say that, in my opinion, the Legislature was not designed as an appointive agency. The appointive power of the State by right resides in the chief executive.

I shall, however, in order to keep the records straight, call attention to some of the differences between the existing law and the proposed measure, and to some of the matters leading up to the passage of this measure.

The Thirteenth Legislative Assembly passed the first State Highway Commission law enacted in Montana. The Highway Commission so created lasted for four years. It did not accomplish much because there was no considerable amount of funds available for its use. Two years ago, when the Fifteenth Legislative Assembly was in session, much complaint was made because of the fact that the old Commission had not accomplished more. No account was taken of the fact that the Commission could not do a great deal of work with the funds available. The Fifteenth Legislative Assembly abolished the old Commission and created the present Highway Commission, (Chap. 170, Laws of 1917).

The existing Highway Commission consists of twelve members from twelve distinctly divided districts of the State. Not more than six of these members can be of one political faith. When I appointed the members I selected twelve of the highest class men in the State, six of whom were Republicans and six Democrats. The system was designed to prevent quick change in personnel so that plans designed to extend over a long period of time, such as permanent road construction and other plans, might not be interrupted or overthrown without an opportunity to complete them. The present law absolutely prevents the department from becoming political. The bill under consideration would admit of making the Highway Commission purely political in character if those in authority saw fit to do so.

The administrative and executive functions of the present Highway Commission are performed by an executive committee consisting of three members selected by the Commission from its own membership. Members of the executive committee receive a per diem of $8.00 whereas Senate Bill No. 169 proposes a per diem of $10.00 for Assistant State Highway Commissioners.

Under the provisions of Acts of Congress there is available to the State of Montana for expenditure, prior to June, 1922, under the supervision of the State Highway Commission, Federal moneys in the amount of $5,490,000.00. Senate Bill No. 169 proposes to leave to the discretion and pleasure of the Highway Commissioner and Assistant Commissioners the decision as to whether Montana will avail itself of this aid or not. The bill is so worded as to permit, from time to time, a change of policy in this respect, a condition detrimental and undesirable to the interest of the State and Counties. Chapter 170, Laws of 1917, makes it mandatory on the part of the present Commission to secure for Montana the full benefits of such aid and leaves no room for doubt or confusion.

Other duties prescribed in Senate Bill No. 169 for the State Highway Commission are practically similar to those provided for in Chapter 170, Laws of 1917, and present no reason for a reorganization of the present Commission.

Two years of experience with the present Highway Commission indicates conclusively that it is flexible enough to meet all conditions, thoroughly representative of the entire State and distinctly non-political.

Its operations for the past two years have included the following general branches:

(1) Securing for the State the benefit of Federal Aid.

(2) Bridge Design and Supervision of Construction for Counties.

(3) Consulting and Advisory Service to Counties in relation to highway and bridge construction and maintenance.

(4) State Aid Construction and Improvement of Highways.

1. FEDERAL AID. Under the provisions of the Federal Aid Road Act and a recent Act of Congress extending such aid, Montana is allotted $5,490,000.00 for improvement and construction of highways. This money is available for co-operative expenditure under the supervision of the State Highway Commission and must be supplemented with a like amount by the State or counties. War conditions and the disposition of the Government Departments materially restricted the possibilities of construction, and the Highway Commission consequently confined itself to arranging for as much construction as possible to commence immediately when conditions would permit. The method of acquiring Federal moneys is prescribed by the Government and standards for the making of surveys, preparations of plans, etc., are laid down. Deviation from such methods or standards is not possible. During the past two years the Highway Commission has accomplished the following results in this branch of its work:

Applications for eighty Federal Aid projects have been received from Counties, covering 741 miles of construction.

Reconnaissance of fifty-four projects have been made. This reconnaissance covers 556 miles of construction at an estimated cost of $1,188,657.00.

Surveys, maps, plans and estimates according to Government requirements have been made of thirty projects covering 210 miles of highways and bridges.

The Commission now has plans completed for $1,100,000.00 worth of Federal Aid construction. This work will be contracted and construction begun early in the spring of 1919.

2. BRIDGE DESIGNS AND SUPERVISION OF CONSTRUCTION. Plans for various counties, involving a total construction cost estimated at $842,635.00 have been designed for thirty-nine bridges.

Construction of nine of these bridges has been supervised by and at the expense of the Commission.

Construction on twenty of the bridges for which designs were prepared was deferred owing to war conditions.

In addition to the above, standard plans for smaller timber, steel and concrete bridges have been prepared and made available to the counties.

3. CONSULTING AND ADVISORY SERVICE TO COUNTIES. This branch of the Commission's operations includes such work as the supervision of county road construction, road location, the solution of construction and maintenance problems, bridge protection and maintenance, and, in general, a co-operative service looking to the standardization and improvement of construction and maintenance methods.

4. STATE AID CONSTRUCTION AND IMPROVEMENT. On November 30, 1918, the Commission had expended in the construction and improvement of State highways the sum of $36,880.00. Under the agreement with counties in which such work was being performed the Commission had reimbursements coming from counties amounting to $12,444.81.

The operations included the following:

Reconstruction of State Highways

Deer Lodge County	14 miles
Powell County	45 miles
Granite County	4 miles
Lincoln County	4 miles
	67 miles

Construction of State Highways

Flathead County	3 miles
Blaine County	11 miles
Valley County	1.5 miles

In addition, surveys of the Baker-Ekalaka Road in Fallon and Carter Counties and the Yellowstone Trail in Custer County were made in anticipation of 1919 construction on State aid projects.

During the session of the Sixteenth Legislative Assembly a general investigating committee was appointed to make investigation of and report upon all of the various departments of State. A report was made upon the Highway Commission. The report was drastic in its condemnation of the Commission. I am inclined to think that the report had a good deal to do with the passage of the pending measure. I have gone into that report somewhat carefully and am convinced that in the rush of other Legislative duties the members of the investigating committee were led afield by superficial investigations and unwarranted reports and statements. Very little information was asked for or secured from the records of the Highway department. For instance: the report condemning the Highway Commission on account of the expenses incident to the preparation for the utilization of Federal Aid entirely overlooked the fact that the securing of Federal Aid is made a specific duty of the Commission by the existing law. In fact, I may say with perfect propriety that but for this provision in the existing law it would perhaps have failed of passage two years ago. The Fifteenth Legislative Assembly seemed more anxious to provide for a proper acceptance of the Federal Aid than about any other provision of the law.

It is not necessary for me to go into the report of the investigating committee at length. It is sufficient to say that there was no charge of dishonesty or criminal misuse of funds. The only question brought into the issue by the investigation and report was the question of efficiency and the advisability of abolishing the present Commission and establishing another one in lieu thereof. Everyone agrees that there should be a State Highway Commission. I am convinced that there is nothing to be gained by constant change. Two years ago the Legislature abolished the old Commission because it had not done enough, and now this Legislature seeks to abolish the present Commission because it has been too ambitious in its plans for road building. Every successful business man knows, or ought to know, that if we are to spend five and one-half million dollars on the roads in the next three years the Commission, or official body through whom the expenditures are to be made, ought to have some definite, well considered and carefully worked out plan of procedure.

Road work cannot be done by guess and under haphazard methods In the old days the roads were built along trails made by wild animals through the mountain passes. The belief was that the animals followed the course of least resistance. That plan was all right when we had no better facilities for working out definite specifications. There is no reason why Montana should follow antiquated, old fashioned and wasteful methods. The present Highway Commission has sought to make adequate plans for the careful, economical and expeditious, as well as the efficient, expenditure of the moneys and funds now available and to

become available. To change the Commission and start over again would necessarily involve the State in loss and might imperil the success of the road building operations now in contemplation.

I am not willing to become a party to changing horses in the middle of the stream, and I therefore do most emphatically refuse my approval of Senate Bill No. 169.

Verly truly yours,

S. V. STEWART,

Governor.

INHERITANCE TAX.

March 17, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 316, being

> "An Act to establish a tax and gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder, and repealing all Acts in conflict with this Act."

This is an Inheritance Tax Act and offers an entire substitution for the laws of Montana on the subject of inheritance taxes.

It is well known to all, and especially to the legal fraternity and the courts of Montana, that our Inheritance Tax Law is not at all satisfactory or easily workable. The plan offered by the pending bill appeals to me as one that is simpler and more effective in its operation. The only trouble about it is that, in my opinion, under the schedule of taxes imposed the State is likely to lose heavily in revenues in the next two years. Of course, there is a possibility that the pending bill might yield more than the old law, but that possibility is based upon the chance that a very few rich estates might pass under the administration rather than a large number of moderate-sized inheritances.

I was struck by the probability that State revenues would be decreased by this bill immediately upon a careful reading of it, whereupon I referred the measure to the Department of the Attorney General for investigation and comparison. Attorney General Ford and Assistant Attorney General Frank Woody made most thorough, painstaking and careful examination of the Wisconsin and California laws, of our own statutes, and of the general principles involved in the whole subject. The Attorney General directed two communications to me upon the subject. Taken as a whole, the communications present such comprehensive and convincing conclusions that I am attaching these letters hereto and causing them to be made part and parcel of this message.

It is to be regretted that circumstances seem to demand the veto of this bill. Two years ago Representative Higgins introduced and secured the passage through the Fifteenth Legislative Assembly of a measure along the same lines. At that time, however, an error was made in the enrollment and one of the important provisions was omitted from the completed bill. I was forced, as a result, to veto the measure; and this time, in the light of the fact that two Legislative bodies have

declared for a change in the inheritance Tax Laws, I should be glad to approve the measure but for the danger that by so doing the State would in all probability be deprived of a very considerable amount of revenue at a time when every dollar is urgently required.

Very truly yours,
S. V. STEWART,
Governor.

APPROPRIATION BILLS.

March 17, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

The foregoing Bill (House Bill No. 437) is approved in its every particular and all of its items, save and except as follows, to-wit:

The item found on page 2 of said Bill under the head "Maintenance and Betterment of State University" and being as follows: "Athletics, Five Thousand Dollars, $5,000.00";

Also on same page under the heading "Maintenance and Betterment State Agricultural College", the item designated "Athletics, Five Thousand Dollars, $5,000.00";

Also on page 6 of this Bill under the head "Maintenance and Betterment State University" the item designated "Athletics, Five Thousand Dollars, $5,000.00";

Also on page 6 of this Bill under the heading "Maintenance and Betterment Agricultural College" the item designated "Athletics, Five Thousand Dollars, $5,000.00".

It being the intention to veto only the four items mentioned, aggregating $20,000.00, and for the reason that, in my opinion, the Athletic Department of the two institutions may be maintained quite successfully from other sources and without special appropriation therefor.

Very truly yours,
S. V. STEWART,
Governor.

RETOUCHING SENATE PAINTING.

March 18, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 285, being

> "An Act appropriating money for the purpose of paying E. S. Paxson for repairing and repainting the painting in the rear of the Senate Chamber."

This bill merely appropriates the sum of $350.00 to pay one E. S. Paxson for repairing a painting in the rear of the Senate Chamber, the painting commonly known as "Custer's Last Stand". The bill recites that the appropriation is made pursuant to a contract made and entered into by and between the Sergeant at Arms of the Senate of the Fifteenth

Legislative Assembly of the State of Montana and the said E. S. Paxson and an order duly made by the State Senate on the twelfth day of February, 1917.

As a matter of fact, the work was not done by Mr. Paxson, and I am advised by the Custodian of the Capitol that the work was done by another artist and has been paid for, and that the bill was erroneously introduced and passed under a misapprehension. For that reason I am withholding my approval of the same.

Very truly yours,
S. V. STEWART,
Governor.

INTOXICATING LIQUORS.

March 21, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, Senate Bill No. 91, entitled:

> "An Act to Amend Sections 2, 7, 8, 9, 14, 36 and 38 of Chapter 143, Acts of the Fifteenth Legislative Assembly of the State of Montana, relating to Intoxicating Liquors."

This bill was introduced by Senator Lewis and, in its original form, was intended to be in aid of the prohibition law adopted by the people in 1916, and of the enforcement act passed by the Fifteenth Legislative Assembly. The bill, however, was amended during its passage through the Legislative bodies until its author would hardly recognize it. By no stretch of the imagination can the proposed measure now be called a prohibition bill. On the contrary, I am inclined to think that it might well be designated a repeal of the prohibition laws of the State of Montana.

The Fourteenth Legislative Assembly enacted a measure submitting the prohibition issue to the people of this State. It is Chapter 39 of the Laws of Montana, Fourteenth Session, 1915. The exact words of Section 1 are as follows:

> "Every person who sells, exchanges, gives, barters or disposes of any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine, or intoxicating liquors of any kind to any person or persons or association or corporation in the State of Montana, or who manufactures, or introduces into, or attempts to introduce into the State of Montana any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine, or intoxicating liquors of any kind, shall be guilty of a misdemeanor."

(An exception is included in the law covering denatured alcohol, wine intended for sacramental purposes, and alcohol intended for scientific or manufacturing purposes.)

The Supreme Court of this State, in the case of the State vs. the Centennial Brewing Company, recently decided, said:

> "The act adopted by the people in November, 1916, is not in any sense a statute regulating the liquor traffic. Its avowed purpose is to outlaw a business

> theretofore regulated by license legislation. * * * The statute was clearly designed as one of suppression and not of supervision."

As matters stand today, therefore, we have a real prohibition law, first submitted by the Legislative Assembly of the State or Montana to the people of this State, and by them in turn approved at the polls; and, lastly, construed by the highest Court in the State, and therefore standing upon the statute books absolutely impregnable to assault from any direction other than by amendment by the Legislature or the people themselves.

Senate Bill No. 91, now under consideration, as it was presented to me for executive action, contains the following language:

> "Provided, that it shall be lawful to manufacture, sell and dispose of beer containing not more than one-half of one percent of alcohol, measured by volume, or fermented or malt liquors or imitations thereof containing not more than one-half of one percent of alcohol, measured by volume; and provided further that nothing contained in this Act nor in any other law of this State shall be construed as to prohibit the same."

If the language just quoted does not constitute a repeal of the prohibition law of the State of Montana, then I do not understand the English language. Mr. Justice Holloway, speaking for the Supreme Court of the State of Montana in the Centennial Brewing Company case, makes it clear that the law adopted by the people in 1916 prohibits the use in the manner indicated in the law of the liquors enumerated therein, among which are malt liquors, one of which is beer. All these liquors are declared to be intoxicating within the meaning of the law and, to quote the language of the Court:

> "and that too without reference to the amount of alcohol contained in them."

Senate Bill No. 91 would make it legal in the State of Montana to manufacture and sell beer, fermented and malt liquors or imitations thereof, containing not more than one-half of one percent of alcohol, measured by volume. If this bill should become a law we would find ourselves in a position where we would have to do just what the Supreme Court said we would not have to do under the law adopted by the people. We would find ourselves supervising the liquor traffic rather than prohibiting it. The question would then be not a matter of the prevention of the manufacture and disposal of liquors, but rather a matter of seeing to it that the various liquors manufactured and disposed of should conform to the standard established by the law, to-wit: that they should not contain more than one-half of one percent of alcohol measured by volume.

I am not willing to become a party to the repeal of the prohibitory laws under such circumstances. The people adopted prohibition, and if it is to be repealed they are the ones to do it. It should not be done by the Legislature or by any other representative body of people not selected for the specific purpose. I am convinced that the people of this State do not want "booze" in any form. It may be said that the various liquors containing not over one-half of one percent of alcohol could not fairly be termed "booze". They may not be "big booze", but the best one can say for them is that they would be the Little Brothers to the Big Booze, and we all know from experience that little boys grow into big men. Some manufacturers, by careful concealment and other artifices, might cause the alcohol content standardized by the statute at not more than one-half of one percent to surreptitiously grow to a larger maturity, wherein other percentages might be sold, given away, and perhaps drunk without knowledge of the fact that they contained unlawful proportions in the matter of the alcohol content.

There are other objections to the measure, some of them constitutional and some of them having to do with the matter of letting down the bars in so far as the enforcement of prohibition in this State is concerned. It is not really necessary to discuss these subjects because, in my opinion, the first objection urged is adequate and sufficient to justify my refusal to sign the bill and give my approval thereto.

Very truly yours,

S. V. STEWART,

Governor

PROHIBITION ENTITLED TO TRIAL.

March 21, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, House Bill No. 430, being

"An Act to Authorize the Manufacture and Sale of Fermented and Malt Liquors in the State of Montana."

The reasons assigned in my veto of Senate Bill No. 91, this day transmitted to you, consitute sufficient cause to withhold my approval from this bill. I based my veto of Senate Bill No. 91 upon the proposition that, in my opinion, the bill contained provisions in effect repealing the present prohibitory laws of the State of Montana. There were other serious objections to Senate Bill No. 91, none of which appear in House Bill No. 430. The measure under consideration is very brief and urges only one point, that is, "that it is lawful to manufacture, sell and dispose of fermented or malt liquors, or any compound or preparation, containing not more than five-tenths of one percent of alcohol measured by volume, or to use the same as a beverage". The question is therefore presented in House Bill No. 430 in a clear, concise and distinctive manner. There is no camouflage behind any other provisions.

I am still of the opinion that after all other provisions are eliminated from Senate Bill No. 91, that the one dominant objection lies in the very identical thing duplicated in House Bill No. 430, and that is that the system is sought to be changed. The approval of either one of these measures would establish regulation instead of prohibition. I cannot see the proposition in any other light than that the provisions contained in both bills seek to amend, and would amend, the prohibition law submitted to and adopted by the people, and that without consulting them on the subject.

It has been urged that the laboring people of the State require a beverage such as is defined in these bills. However, on the other hand, it has been urged that the beverage is as "harmless as water". Both of these contentions cannot be true. If the beverage is as innocuous as some claim, it will not afford the relief which its proponents claim it will bring to the people of this State. In my opinion, the beverage is not a particularly harmful one, but I am also convinced that if the breweries and other manufacturing plants of this State confine their products within the limits prescribed by the law the manufacture of such a beverage will neither be profitable nor slake the thirst of those who desire something stronger than a drink "as harmless as water".

The people of this State have adopted prohibition. Any subterfuge or shield behind which those who are opposed to the enforcement of the law may hide will only serve to retard and confuse a realization

of the consummation sought by the people at the polls. Sooner or later we must give the law adopted by the people a trial. We might just as well do it now as at any other time. I regret exceedingly that some citizens of this State will have inflicted upon them serious monetary loss by reason of the failure of this measure to become a law. However, it is not possible to accomplish any serious and substantial reforms without either a real or apparent injury to someone. In this case, however, I am convinced that the long waiting period contained in the Montana law gave everyone an opportunity to get out of the business with the least possible financial loss. There can be no excuse now for a modification of the prohibition law in order to afford a further opportunity to the manufacturers and dealers to conform to the inevitable.

Under all of the conditions and circumstances I see no other sensible or reasonable solution of the problem at hand. The law has been adopted by the people, it has been construed by the Supreme Court, and it has had but a short trial. It is entitled to a longer test, and certainly the people are entitled to be consulted specifically upon the subject before a change is made.

Very truly yours,

S. V. STEWART,

Governor.

NORMAL SCHOOL BILLS.

March 21, 1919.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

Dear Sir:

I am transmitting herewith, without my approval and with my objections thereto, the following bills:

House Bill No. 15, entitled "An Act establishing the Eastern Montana State Normal School, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana, and making an appropriation for the construction of the necessary buildings and for the support and maintenance thereof";

House Bill No. 88, entitled "An Act to establish the Central Montana State Normal School, defining the objects, purposes and establishment, and providing for the control, supervision and management thereof; and making the same a part of the University of Montana, and making an appropriation for the purchase of the necessary site and for the construction of the necessary buildings therefor; and for the support and maintenance thereof";

House Bill No. 429, entitled "An Act to establish a State Normal School at Billings, Montana, to make the same a part of the University of Montana, and providing for its regulation, location and control; making appropriation for its construction, equipment and maintenance";

Senate Bill No. 18, entitled "An Act establishing the Northern Montana State Normal School, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the

same a part of the University of Montana, and making an appropriation for the construction of the necessary buildings and for the support and maintenance thereof";

Senate Bill No. 21, entitled "An Act establishing, locating and naming a State Normal School, and providing for its regulation and control; making appropriation for its maintenance; and amending Subsection 1, of Section 106; and Subsection 2, Subdivision (b) 1, of Section 108; and Section 908 of Chapter 76 of the Laws of the Thirteenth Session of Montana."

Each of these five bills seeks the establishment of a State Normal School at some town or city in the State of Montana. The question whether this State should have more Normal Schools for the training of teachers is, of course, a debatable one. Some very well informed citizens maintain that there should be one or more additional schools. Others, who are equally well informed along educational lines, and who are equally familiar with the situation in Montana, insist that there is no present necessity for more Normal Schools. It is not necessary for me to go into this question at great length. I may, however, at the very outset make the positive statement that, in my opinion, the State of Montana does not at this time, and will not for a great many years, require as many as six Normal Schools; that is, five in addition to the one already in existence.

From information that came to me from time to time during the progress of the Legislative Session, I am convinced that a very large majority of the members of both Houses entertained with me the belief just announced. Had it not been for the fact that a part of the membership believed that it would be impossible to get as many as five Normal bills by the executive office, a good many members would have refused to support any of the bills. Had it not been for the further fact that some of the members believed that all of the bills would be vetoed, another important deduction from the votes in favor of the bills would have obtained. And had it not been for the fact that the Normal bills afforded an easy and convenient means of Legislative co-operation between members there would have been a still further reduction from the ranks of those who cast their votes for one or more of these measures.

The State Board of Education consists of eleven members. It is a Constitutional body. The members are fairly well informed as to the needs of the State and the ability to satisfy these needs. That Board held a meeting early in January of this year, after the Legislature had convened. At the time of the meeting there was considerable talk about the establishment of Normal Schools. There was adopted by the State Board of Education, at the meeting mentioned, a resolution in the following terms, to-wit:

"WHEREAS, a rigid and searching examination having been made of the finances coming within the influences of the State Board of Education discloses the fact that the utmost economy must be adhered to if Montana institutions are to be maintained at their present high state of efficiency and to allow only for a limited expansion of them as now constituted, and

"WHEREAS, there have come before the Board numerous requests asking its endorsement for the establishment of other educational institutions in several sections of the State, THEREFORE

"BE IT RESOLVED, That while the Board appreciates in the fullest sense the great importance of the requests made for its endorsement of the several propositions, for the reasons given, the State Board of Edu-

> cation cannot, consistent with its duty to the established institutions, recommend at this time the establishment of any other similar institutions in Montana."

I am convinced that the State Board of Education was largely impelled in the adoption of the resolution by knowledge of the fact that the financial resources of the State would be taxed to the utmost during the next two years, and that the establishment of new institutions at this time might impair the usefulness and detract from the efficiency of the whole system of higher education in Montana. There was a further fact known to the members of the Board that may have had weight in the premises. The State Normal School located at Dillon is not now operated at its full capacity. It may be that sickness, the prevalence of epidemics, the result of war conditions and other temporary causes have affected the enrollment. However that may be, the fact remains that there are now about one hundred twenty-five students at the institution, while the dormitory capacity is adequate for two hundred and the teaching capacity sufficient to care for the educational needs of three hundred fifty students. No one can tell how soon the causes that have brought about this condition will be removed. It is not likely that there will be a very decided change in this particular during the present academic year.

It has been suggested that it might be well to approve all of the bills and permit the five schools to be temporarily established, with the understanding that at the end of two years the number might be reduced. This would be manifestly unfair to the people of the affected communities, and it would likewise be unfair to the State of Montana. The appropriations for the five proposed Normal Schools aggregate $155,000.00 for the next two years. It should not be forgotten that expenditures increase very rapidly as the institutions grow. I have taken occasion to look back over the records of the appropriations in recent years. It will be observed that the Legislative Assembly at the session in 1909 appropriated the following sums for the use of the different institutions: University of Montana, $67,500.00; Agricultural College and Experiment Station, $51,000.00; State Normal School, $35,000.00. The Legislative Assembly just closed appropriated for the current year the following sums: University of Montana $300,000.00; Agricultural College and Experiment Station, $267,000.00; State Normal School, $85,000.00. These increases are very marked and indicate a rapid but, I maintain, a very healthful growth of the institutions. It should not be forgotten, either, that in 1909 the institutions were some years beyond the period of establishment and that this growth has occurred at a time when the initial investment had long since been made. Those who are familiar with the educational institutions of this State realize that there is yet grave necessity for buildings and other accommodations. I cite all of this merely to show that the comparatively modest appropriations made in these bills can only be taken as a sort of small sample of what will be required later on.

A few years ago the State Board of Education realized the fact that distances were long in Montana and that students might not be able to pay railroad expenses clear across the State, and recommended an appropriation with which to defray traveling expenses of students to State institutions. Two years ago the Legislative Assembly made an appropriation of $10,000.00 and the money was used for the purpose indicated. This year the Legislative Assembly made an appropriation of $12,000.00 for that purpose. Under the present plan all over $5.00 paid in railroad fares in going to or coming from State educational institutions, including the State Normal, is refunded to the student, so that in reality the institutions are brought as close to the student as possible.

From various items of information that came to me during the session of the Legislature and since that time, I am led to believe that a considerable number of the members of the Assembly expected the Governor to veto some of the Normal School bills and leave one or two

institutions to be established. Assuming, for the sake of argument, that there is need for one or two, or any other number less than five, new Normal Schools, I feel that it is not my duty or my province to step in and from the list of available candidates select the places of location for the proposed institutions. I do not feel that I have the peculiar qualifications necessary to enable me to make a fair or an intelligent selection under the circumstances. Each of the communities mentioned in the bills has very distinctive and substantial advantages as a place of location for a State Normal School. In fact each town, in the view of those who have presented its claims, is so admirably adapted for the purpose that I am sure it was inconvenient, not to say puzzling, for the members of the Legislative Assembly to make a selection of any one, two, three, or four from the list of eligible places. I know that I have found such a decision most difficult. Nor have the Governor and the members of the Legislative Assembly stood alone in this particular. I had resort to the Bulletin of the Department of the Interior, Bureau of Education, entitled "Problems Involved in Standardizing State Normal Schools". Chapter 3 of that publication is entitled: "Purpose, Number and Geographical Distribution of Service of State Normal School". I found some very useful information and some very wise suggestions, but it was not possible for me to apply all of the information in the cases under consideration. To my mind there ought to be some expert investigation and careful consideration before such a selection is made.

I now come to the final and most pertinent reason for my action on these bills. The Legislative Assembly just closed enacted Senate Bill No. 117, entitled "An Act Creating the State Efficiency and Trade Commission, and prescribing and defining its powers and duties". That bill was introduced by the three Senate members of the joint investigating committee, and it recites the duties, powers and authority of the investigating Commission. Among other duties imposed upon the Commission there is the following specific requirement:

> "The said Efficiency and Trade Commission shall investigate, or cause to be investigated, the financial and business policies of the State, its various officers, bureaus, boards, departments * * * the University of Montana, and all its departments, and every and all institutions of every kind and character which are or may be supported, in whole or in part, by State funds. And shall institute, or cause to be instituted, such investigations as it may deem best for the purpose of discovering abuses, inefficiency, undue and unnecessary expenditures of money, and devising ways and means for correcting the same, and for providing for the most economical administration of all State departments and institutions, consistent with the public welfare."

Senate Bill No. 117 also provides that the Commission shall

> "specifically point out wherein the administration of the finances of the State, or wherein the policies of the State in the administration of State affairs, or the policy of any of the said State Boards or its officers, or of said State institutions, or their officers, are deficient, inefficient, extravagant or corrupt, and shall make specific recommendation as to how the State government and the expenditures of the State in connection therewith, or in connection with any of the State institutions hereinbefore mentioned may be more economically administered."

Under the provisions of this bill, now a law, it seems to me that a scientific method of ascertaining the needs of the State in the matter of State Normal Schools and the best method of expending the amount of the State's revenues available for such purposes is ready at hand.

The bill carried the appointment of the Commissioners. In the appointment of these very capable and competent men I was glad to acquiesce, because of the fact that the positions to which they were appointed by the Legislature are not offices, but merely investigating commissionerships. The incumbents are vested with power to make investigations and recommendations to the Legislative Assembly, either the body that created them or some succeeding Assembly. I have every confidence in the men of this Commission. I have studied Senate Bill No. 117 and I know that full power and authority is given the Commission to investigate the matter of locating and establishing more State Normals. These men will have plenty of time and much opportunity to act intelligently and after due deliberation.

Under all of the circumstances, and especially in the light of the status of the State Efficiency Commission, clothed with its broad powers, I feel that good judgment, common sense and business instinct dictate that the matter of establishing State Normal Schools be passed for the time being and submitted to the Efficiency Commission.

Very truly yours,

S. V. STEWART,

Governor.

SIXTEENTH ASSEMBLY

(EXTRAORDINARY SESSION)

1919

MESSAGE.

Ladies and Gentlemen of the Sixteenth Legislative Assembly in Extraordinary Session Assembled:

For several years the State of Montana, through its officials and citizens has offered inducements to people looking for homes. Our public lands have been rapidly settled, and agriculture and kindred occupations have grown and developed beyond the expectations of the most sanguine. From a population of 376,053 in 1910 to a total of more than 750,000 people in 1919 the State has grown with surprising rapidity and most wholesome ease. It had come to be believed that Montana would not have to pass through the ordeals and experiences characteristic of other farming communities to the east of us. We had forgotten that drouths, crop failures and like privations were incident to the growth and development of the now recognized substantial farming regions of the great Middle West. For several seasons during the time of the greatest influx of population, Nature smiled upon us and copious and fructifying rains fell throughout the length and breadth of the State at critical and necessary times.

In 1917, however, there came a change. A large part of the State experienced at least a partial and certainly a serious crop shortage. In 1918 a similar but somewhat more extensive condition existed. In the fall of 1918 fall crops of unprecedented proportions and area were planted. The people had been encouraged to bend every effort toward the production of foodstuffs and the promised high prices gave strength and potency to the encouragement extended from State and Federal agencies. The winter of 1918-1919 was peculiar in that a minimum of precipitation fell in this State. No spring rains came, and as a result the fall crops were greatly injured and many spring crops never started.

Of course there are some crops in the State of Montana and a few good ones, but generally speaking the situation is far from normal and certainly such as to cause serious contemplation on the part of our citizens. Continued drouth throughout the growing months of this year has left vast areas wholly without grain crops and with greatly reduced forage and pasture products. So great and so critical did the situation become that everywhere the citizens were gathered together to take counsel one with another in order that relief and proper aid might be extended to those who were so unfortunate as to be left without means of meeting the serious contingencies presented by drouth and crop failure.

Legislation for Emergency.

I considered the matter most thoughtfully and carefully before resorting to the serious expedient of convening this Assembly in extraordinary session. It is known by all of you that the State of Montana has no money to waste upon extraordinary sessions. Adequate and sufficient legislation in ordinary times may be enacted in the regular sixty-day session held biennially under the provisions of the Constitution and laws of the State. However, the Constitution contemplates that emergencies and extraordinary contingencies should and do justify a special session of the Assembly. You are called together for the primary purpose of considering the drouth and crop failures and their resultant effect upon the people of the State of Montana, in the expectation that you will do everything legally within your power to relieve that situation and ameliorate the condition of those so injuriously affected. It is not expected that the State can take over the support and maintenance of individuals and families or that financial backing on the part of the State can be given to business enterprises, however meritorious and deserving.

It must not be understood that the State of Montana is or that the people of the State are as a whole in destitute circumstances. There are comparatively few in absolute need of assistance when you come to compare those so situated with the total population. Most of our citizens

may be relieved by ordinary business methods. There are some, however, and enough to elicit our interest and demand instant action, who must have relief of a character that cannot be afforded in the ordinary course of business, even under the most wise and beneficient laws possible of passage through the Assembly.

I am one who believes firmly that Montana can and will take care of herself if the interest of her citizens is properly aroused and if a suitable plan is suggested and put into effect.

State Relief Commission.

During the war our State responded nobly to every call for assistance. We put on drives for the Red Cross, Y. M. C. A., Knights of Columbus, Salvation Arrmy, Armenian Relief, Jewish Relief, and many kindred objects. In conducting these drives most efficient and effective statewide organizations were developed. These organizations, while dormant now, are lying ready at hand. It has been suggested that a drive might be inaugurated and sufficient funds raised within the State of Montana to relieve the victims of the drouth. Some people believe that only money from the public funds should be used for such purposes. The Government of the United States, and, in fact, all of the governments engaged in the war, deemed it wise to handle personal aid and relief work separate and apart from the activities carried on with the funds taken from the treasuries of the various governments. The United States could have taken public money and could have devoted it to the work that was done by the Red Cross, but it was deemed better and wiser to raise the money as suggested than to take it from any public funds. In any event, the money comes from the people and it is my opinion that a most successful drive may be inaugurated and that all of the various campaign committees utilized by the organizations already named may be called into operation most expeditiously and effectively.

If that is done some suitable means should be provided for a proper distribution. The State Council of Defense, together with the County Councils of Defense, operated most successfully during the war. The State Council of Defense was a war-time organization. A peace-time organization might be brought into being by Legislative enactment to meet problems of welfare such as the one now presented. I would suggest the advisability of creating a State Relief Commission with incident County Relief Commissions along the lines of the State Council and County Councils of Defense. The Commission need not have all of the powers and functions of the Council of Defense. It need have no police authority and it should have broader authority in some other necessary lines. If we can raise the money necessary for relief work through the various agencies that so successfully conducted the drives during the war and if we can then legally constitute some sort of a relief organization along the lines of the Council of Defense, we will have something definite and tangible.

It is my firm opinion that even though State and County funds were available, a fairer and better plan is contemplated in the above suggestion than that of taking public funds. It should not be forgotten, however, in the consideration of this important matter that public funds are not in every case available. Many of the counties have reached their limit of indebtedness and their funds are exhausted. The State cannot under our Constitution engage in charity or back business enterprises. A reasonable appropriation may, in my opinion, be legally made for administrative purposes without violation of constitutional provisions.

It should not be forgotten that this year there will be a long delinquent tax list in a great many of the counties. The income of the State and of the counties will be seriously reduced. This phase alone ought to give force and potency to the suggested plan.

Montana does not need outside help. The Red Cross and other organizations, when called into relief work, raise their money by drives, stating the specific purpose for which it is sought. If we delegate any

considerable part of our problem to these organizations we will directly or indirectly ask for outside help and advertise the State as seeking charity abroad, when, as a matter of fact, it is neither necessary nor proper that we should do so.

It should not be understood that I am unalterably committed to the plan above outlined. I have given to the drouth and its resultant effects most careful study. I have had suggestions from many interested persons. The plan I have outlined seems to me the most feasible. If, however, the Assembly in its wisdom can work out a better plan, I will gladly acquiesce and do my best to put whatever plan may be finally adopted into successful effect. The main fact is that we are confronted by an actual condition that requires some definite plan of action. I am sure that when we adopt any well considered plan we will be able to put it through and achieve the results so earnestly desired and sought by all of us.

Changes in Road Laws.

A fair measure of relief may be accomplished by amendments to the existing laws having to do with roads and highways and their construction and improvement under the jurisdiction of the State Highway Commission and the Boards of County Commissioners.

If you will change the statutes of Montana so that employment may be afforded to men and teams upon the roads and highways under reasonable conditions of compensation; and if in furtherance of your acts, the Highway Commission and the Boards of County Commissioners will then equitably, liberally and fairly administer such statutes, having in mind the primary objects sought to be attained, much relief may be afforded and general conditions improved. During the regular session of the Assembly considerable road and highway legislation was proposed but little enacted. Unfortunately there arose a controversy as to the kind of Highway Commission law that should be in effect and the personnel of the Highway Commission. So absorbing was this controversy that attention was not given to the administrative statutes now found to stand in the way of a proper administration of the highway affairs of the State.

It must not be understood that these changes are proposed solely in the interest of charity or with any intention of dissipating or wasting the funds at the disposal of the Highway Commission or the counties. It is evident to everyone that the maximum price authorized for men and teams on the highways, six dollars per day, makes it impossible to accomplish any important highway improvement. It is also evident that there must often be other means than the contract system employed on the various pieces of highway construction.

These and other provisions of the road and highway laws constitute impediments incapable of removal by other means than Legislative enactment. Your attention is specifically directed to these matters in order that you may enact such proper and amendatory statutes as may be necessary and expedient.

Road Bond Issue.

It has been suggested that the vote on the proposed fifteen million dollar bond issue for road and highway purposes, now scheduled for the general election of 1920, may with propriety be set forward and held this fall. This matter is for your consideration in the light of the necessities of the occasion as well as the Constitution and statutes of the State.

Classification of Counties.

A contingency worthy of attention has arisen by reason of the enactment of Chapter 51 of the Session Laws of Montana of the Sixteenth Legislative Assembly, 1919, and covering the classification of taxable property in this State for the purpose of taxation.

Under the operation of this law the assessed valuation of the various counties has multiplied in a pronounced way. In many of the counties the assessed valuation of 1919 is three or four times as great as that of 1918. This increased valuation of taxable property in the various counties will be made the basis of the new classification of counties to be made before the next regular session of the Legislative Assembly. It seems to be but proper that amendment of the county classification law should be made at this time in order that equitable and fair conditions may still prevail in county affairs.

There is still another condition that has arisen as a result of the classification and taxation law. Under Chapter 51 the assessed valuation of any given area of the State has, as hereinbefore suggested, increased very materially. The Assembly, in enacting a general law having to do with the creation of new counties, undoubtedly had in mind conditions as they existed under the old assessment and valuation system. The conditions for the creation of new counties, in so far as taxable valuation is involved, now amount to nothing. In this particular, as a result of the enactment of Chapter 51, a contingency has arisen and your attention is respectfully directed to the matter in order that there may be proper provision and safeguard included in the laws of Montana to govern in the creation of new counties.

Suffrage Amendment.

Since the adjournment of your regular session, the Congress of the United States has submitted to the Legislatures of the several States for ratification the proposed amendment to the Federal Constitution extending the right of suffrage to women.

For a great many years the proponents of equal suffrage have urged that the Federal Constitution be amended to the end that women might be given an equal franchise with men. Now the Congress has acted and it only remains for the states to ratify to insure the accomplishment of the reform. Montana already has woman suffrage; her women vote upon every important issue presented to our people. There are States, however, where the suffrage has not been extended to the women. While the ratification of the amendment will bring the enjoyment of no additional prerogative to the women of Montana, nevertheless our women feel that the women of the other States should have their aid and support in this important matter.

The question of ratification of the amendment is therefore presented to you in the belief that the members of this Assembly will readily appreciate the justice and equity of the proposal.

Police Law for Cities.

The Mayor of the City of Butte has directed my attention to the fact that the law having to do with "Department of Police" has been so construed as to work an injustice upon cities. He states that the City of Butte has paid out more than one hundred thousand dollars in salaries to discharged and suspended policemen, for which no service was rendered. He considers the matter of emergent importance and asks that I submit the same to you for consideration. There ought to be amendment to the general law so that such conditions may be obviated in the future.

Amendment of Irrigation Laws.

The shortage of water and the necessity for irrigation as experienced this year have developed defects in our irrigation laws. While it is not believed that the Special Session will obtain long enough to write a new irrigation code, nevertheless, some amendments may be quickly enacted so as to make the organization, financing and operation of irrigation districts more simple and more easily workable.

Grain Grading Law.

An attempt to put into effect the Grain Grading Inspection and Warehouse Commission law enacted by the last Assembly developed the fact that no appropriation had been made for putting it into effect, that no suitable provisions for collecting adequate funds had been made, and that no penalties had been provided for those violating the law. The crop failure this year reduces to the minimum the necessity for this law. However, the Assembly being in session, proper amendments may be wrought with the minimum of difficulty and trouble and the matter is therefore called to your attention for appropriate consideration.

Efficiency Commission.

The State Efficiency and Trade Commission created by the last Assembly made partial investigation looking toward reform in State administration affairs. They have discovered what most of us have realized for some time; that there must be constitutional amendment if any particular change can be made. The Commission has asked that I suggest to you the propriety of submitting a bill for a constitutional amendment providing for the creation of some general administrative board to take over some of the duties of the State Board of Examiners and other State Boards. I submit this question to you for your consideration. The invesigation of the State Efficiency and Trade Commission has not been sufficiently thorough or comprehensive to justify that body in making any definite recommendations as to the final forms that the proposed changes should take. The constitutional amendment will not work any immediate change but will in reality only open the way and make legal the enactment of such future statutes as may be necessary to carry out the changes deemed expedient by the next and succeeding sessions of the Assembly.

Private Car Company Licenses.

The State Treasurer has called my attention to the fact that there should be amendment to or repeal of certain parts of Chapter 82, Acts of the Fifteenth Legislative Assembly of the State of Montana, being an Act entitled: "An Act providing a method for the assessment and collection of a license fee on private car companies doing business in this State." He says that the revenues of the State are seriously affected by this matter and the same is respectfully called to your attention for consideration.

Inheritance Taxes.

The Treasurer also called attention to the need of amendment to Section 7737, Revised Codes of Montana of 1907, relating to the payment of inheritance and succession taxes on transfers of stocks, bonds, obligations and other personal property in this State by foreign executors, administrators and trustees of non-resident decedents. This also is a matter having to do with the revenues.

In the light of existing conditions it is important that every precaution be taken to protect the revenues of the State.

Forest Fire Control.

The Montana State Council of Defense has called attention to the lack of proper laws to prevent the setting of fires in connection with forest fire control. This matter is important and I respectfully request that some appropriate statute be enacted to control the burning of brush and the leaving of camp fires.

Cost of Special Session.

For your information you are advised that the Extraordinary Session of the Fifteenth Assembly held in 1918 cost the State of Montana $35,730.57. It is estimated that every day you remain in session the incident expense amounts to almost $3,000.00. This can be very materially reduced by utilization of State House employes already under salary.

Departmental work may be postponed for the few days you are here. Everyone ought to be willing to make a sacrifice for the general good in view of existing contingencies. Therefore, I respectfully suggest that instead of paying large numbers of employes, clerks, and stenographers, other people already in the employ of the State be drafted for your purposes. I am sure you will find no difficulty in effecting a quick response in this particular and that it will mean a considerable economy.

It is only fair to say that there was much sentiment in the State opposed to any extraordinary session of the Assembly on the ground of expense and otherwise. This sentiment will be intensified by a long-drawn-out session.

S. V. STEWART,
Governor.

SPECIAL MESSAGES.

TUBERCULOSIS SANITARIUM, ETC.

July 31, 1919.

The President of the Senate, Senate Chamber, Helena, Montana.

Three small but important matters of emergency have been directed to my attention and are respectfully referred to you as follows:

First: The Superintendent of the Montana State Tuberculosis Sanitarium calls attention to the law relative to admissions at his institution and has asked that the same be amended so that returned soldiers may be more readily admitted. Under the existing laws some confusion exists and the same should be rectified.

Second: In the enrolling of Chapter 221, Session Laws of 1919, an error was made in Section 1, line 2. The reference to the salary of the sheriff in third class counties was made to read "Three Thousand five dollars." This is an evident clerical error and can be rectified without difficulty.

Third: The City Attorney of Helena calls attention to the fact that there is defect in Chapter 1 of the Session Laws of the Sixteenth Legislative Assembly, 1919, in that the date for making the annual tax levies in cities and towns makes it impossible for the city authorities to perform the act at the time fixed, for the reason that the County Boards have not completed their labors and the State Board has not commenced its work of assessment at the time so fixed. A very simple amendment will rectify this condition.

S. V. STEWART,
Governor.

EFFICIENCY COMMISSION REPORT.

August 1, 1919.

President of the Senate, Helena, Montana.

The State Efficiency and Trade Commission has made to me a partial report of the activities of that body since its creation. A copy of that report is herewith transmitted for your information.

In my general message to you at the beginning of the session I called your attention to the Commission's desire for a constitutional amendment. The same is supplemented in this report. However, I am submitting the report to you in order that you may have an opportunity to take such action as may be deemed expedient in the matter of alleged profiteering, price fixing and trade control.

S. V. STEWART,
Governor.

ADDITIONAL SUBJECTS.

August 4, 1919.

The President of the Senate, Senate Chamber, Helena, Montana.

The attention of the Legislature is respectfully called to the following matters:

Returned soldiers who were absent in the service of the country at the time of the last general election, failed to vote and thereby their names have been stricken from the registration rolls. Unless some special legislation is enacted they will be deprived of the right to vote at the special elections called in the near future.

The State Land Agent calls attention to the fact that he has recently lost two of his land appraisers by reason of the inadequate salary paid for such work. At this critical time in the development of the farm loan plan, it is important that experienced men be retained in the service. Your attention is called to the matter that you may have an opportunity to relieve the situation by authorizing an increase of compensation for farm land appraisers.

Attention has been directed to the fact that grasshoppers have taken the crops in some parts of the State. Next year will probably witness a recurrence and some provision should be made for fighting the pests and guarding against such destruction as obtained this year.

The Senator from Mineral County has urged that the Legislature be given an opportunity to correct apparent clerical error in the description of the territory within the limits of which elk may be killed at certain seasons of the year. He says a clerical error was made in the bill and that as a result, before the next regular session of the Legislature is held, a large consignment of elk, shipped into Mineral County at the expense of the State and the sportsmen, will be exterminated. As the condition seems to be merely the result of a clerical error, your attention is called to it that it may be rectified.

S. V. STEWART,
Governor.

SUPREME COURT JUDGESHIPS.

August 5, 1919.

The President of the Senate, Senate Chamber, Helena, Montana.

In the message submitted to the Sixteenth Legislative Assembly at the beginning of the regular session, the matter of increasing the number of Justices of the Supreme Court was submitted to the Assembly for consideration. Agreement was not reached as to the form the bill should take and as a result the increase was not made. I pointed out to you at that time the necessity for the increase. Such necessity is even more urgent at this time than it was six months ago. Three members of the Supreme Court are unable to keep up with the work and as a result they are falling farther and farther behind. The matter is again brought to your attention with the suggestion that the situation be relieved by the passage of appropriate legislation.

In order that there may be no misunderstanding about the matter, your attention is respectfully directed to the following provisions of the Constitution of the State of Montana. Section 5 of Article VIII provides:

> "The Supreme Court shall consist of three justices, * * * and the legislative assembly shall have the power to increase the number of said justices to not less nor more than five, * * *"

Section 8 of the same Article provides:

> "There shall be elected at the first general election, provided for by this constitution, one chief justice and two associate justices of the supreme court. At said first election the chief justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the associate justices to hold office until the general election in the year one thousand eight hundred ninety-four (1894), and the other associate justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said justices, and which one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first election one chief justice or one associate justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the legislative assembly shall increase the number of justices to five, the first terms of office of such additional justices shall be fixed by law in such manner that at least one of the five justices shall be elected every two years. * * *"

This assembly was not the first to give consideration to the matter of increasing the membership of the Supreme Court. The subject has been before Assemblies with more or less insistence for at least a dozen years. A controversy has arisen as to the terms, methods of appointment and other matters incident to the details of putting the increase into effect. To my mind it is perfectly evident that the framers of the Constitution intended that when the time should come when an increase in the Supreme Court membership was necessary, the increase should be as provided in Section 5 of Article VIII, "to not less nor more than five." In other words, the membership cannot be increased to four and cannot be increased to more than five. That much is plain.

It must not be forgotten that the Constitution of the State of Montana was adopted in 1889 and that the terms of the original members of the Supreme Court were fixed to expire in 1892, in 1894 and in 1896 respectively, it being the evident intention to make it impossible to re-create the Court at any one given election. There was added a provision in said Section to the effect that "if the legislative assembly shall increase the number of justices to five, the first terms of office of such additional justices shall be fixed by law in such manner that at least one of the fives justices shall be elected every two years."

A careful reading of this provision seems to indicate beyond question that the Constitution intended that not more than two justices should be elected at any given election after the court was increased to five, so that thereby there might be retained the same safeguard that prevailed under the system of electing but one of three while the membership remained as originally fixed. In my opinion, in the light of these constitutional provisions, it is your duty to create two additional Supreme Court Justiceships, and that you should do exactly what the Constitution says you should do; that is, fix the terms so that taken in conjunction with the original membership, not more than two will be elected at any one general election. In other words, you should provide that one of the additional justices shall be elected for a full six-year term at the general election in 1920, and that the other one of them shall be elected for a like six-year term at the general election in 1922. There can be no excuse for assigning any terms other than I have indicated.

It has been suggested that the two additional justices should be respectively elected at the 1922 and the 1924 general elections and that in the meantime appointments be in some manner made to fill the places from the time of the approval of the bill creating the positions until said general elections. It does not seem to me that this plan is fair or reasonable. It seems plain that it was intended that the people should elect the justices at general elections, and at as early a date as possible. The earliest times under the terms of the Constitution, as I view it, are as hereinbefore indicated.

The trouble has arisen over the matter of filling the vacancies from the time of the passage of the bill until the people themselves at general elections select men of their own choice. The general rule, of course, obtains that the Governor shall make appointments to fill all existing vacancies, usually by and with the consent and approval of the State Senate. The contention has been advanced in this matter that both additional judges must be elected at the next general election if the Governor makes the appointments. I can see no force in this argument. The provisions of the Constitution already cited remove this case from the general rule under the Constitution that appointments shall obtain only until the next general election. That is a general rule invoked under general provisions of the Constitution. This matter, coming under the special provision of the Constitution, is in my opinion absolutely controlled by that special provision.

In the past, bills have been introduced in various Assemblies creating the additional judicial positions and naming individuals to fill them. This has been done upon the theory that the position is created and the appointment thus made simultaneously and that as a result no vacancy exists and the rule just mentioned is thereby obviated. No one contends that the Assembly has broader powers in the matter of appointments than the Governor. The only argument, therefore, that can be advanced to sustain the contention is that there is never a vacancy because of the fact that the same bill creates the positions and fills them. It clearly cannot be held that the appointments may be made by the Legislature or the Governor or by any other agency until the positions are created. Any bill creating the positions, even though it seeks to nominate men to fill the places, must first create the places before they are subject to be filled by anyone. A bill does not become a law by sections, like a freight train passing a station—car by car—but the whole measure comes into being at one time by the signature of the Governor or the expiration of time. No one would seriously contend that the Governor by so placing the enrolled bill and an instrument of appointment, as to enable him to attach his signature to both at the same time, could evade a general rule applicable to such matters. It might be physically possible that the Governor, if ambidextrous, could sign the bill approving the law with one hand and the appointment with the other and complete the signatures at the same instant; and you would then have exactly the same condition as that advanced by those who seek to insert the names of the appointees in the bill.

It must not be forgotten that men are not immediately clothed with official authority upon their designation either by the Legislature or the Governor. It remains for them to take the oath of office and qualify, so that you cannot shoot full-fledged jurists out of either the Legislature or the Governor's office by a mere stroke of the pen.

In my opinion the arguments and contentions mentioned are highly technical and are of the sort that have tended to make the laity suspicious of lawyers. Doubtless these arguments have been advanced in good faith in some instances. In other instances there may have been political reasons behind them. However the fact remains that as a result of these contentions the relief sought has not come to the Supreme Court. In times past executive expression of views on the question of the division of authority between the Legislative and Executive branches of the State Government has been fully set forth and is now well known to

you. I see no reason to recede from the position so taken by my predecessors and by me. There is certainly no legal reason in my opinion why appointments made by the Legislature can have more virtue or longer life than appointments made by the Governor. That being the case, I am submitting the matter to you with a fair and frank statement of my position so that there may be no misunderstanding as to the views and beliefs entertained by the Executive of this State in this very important matter.

Your attention is directed to the fact that the State Senate is now in session. A bill providing for confirmation of appointments made by the Governor may be passed through the Assembly and approved by the Governor so that appointments may be promptly submitted to the State Senate for approval or rejection without delay. The Senate is a representative body of men selected from all the Counties of the State and at the moment the majority of that body happens to be of a different political faith from that of the Governor. I have full confidence in the membership of the Senate and no one can seriously assert that an unworthy nomination or appointment would be approved by that body.

S. V. STEWART.

Governor.

PROHIBITION ENFORCEMENT.

August 6, 1919.

The President of the Senate, Senate Chamber, Helena, Montana.

It is not my purpose to unnecessarily hold the Legislative Assembly in session. I have consistently refused to put many matters up to you. In fact, hundreds of suggestions, applications and urgent appeals have come to the Governor's office urging that various matters deemed of an emergent character by the individuals who suggest their consideration at this time, be put up to the Legislature. I have only taken two classes of subjects: First, matters of emergency, however important they might be; and, second, matters of mere detail requiring legislative corrective enactments.

There is one important matter that has been suggested to me that I deem emergent enough to justify your consideration, even though it should hold you in session a little longer than otherwise. Consistent, persistent and convincing reports have come to me to the effect that the prohibition law is being openly violated in certain counties, particularly in certain cities, of the State of Montana. Public officials claim that they are unable to enforce the law because they have no funds available with which to gather evidence. I am unable to understand why public officials cannot, if they will go after the matter vigorously enough, get the evidence in the usual course taken by officials in enforcing ordinary statutes. However, in order that there may be no alibis and no excuses for lack of law enforcement in this most important matter, I am calling it to your attention, that you may give consideration at this time to the claims of those who assert that there must be a special fund created either by appropriation or by converting fines collected for violations of the prohibitory law into a fund for law enforcement.

S. V. STEWART,

Governor.

PRIMARY LAW.

August 6th, 1919.

The President of the Senate, Senate Chamber, Helena, Montana.

A copy of the report of the Joint Committee selected to inquire into the facts, circumstances and status of the primary laws of the State of Montana, has been filed with me and my attention has been particularly directed to that part of the report reading as follows:

"We suggest that the Governor be requested to submit to this Legislature for consideration the question of amending the present primary law," etc.

In order that there may be no delay I am not attempting to go into the merits of the report but am herewith directing your attention to the whole subject of primary legislation so that the Assembly may proceed at once to such corrective and amendatory legislation as may be by it deemed proper and necessary.

S. V. STEWART,

Governor.

INCREASE OF SUPREME COURT.

August 11, 1919.

The Speaker of the House of Representatives,
Helena, Montana.

House Resolution No. 2, introduced by Buell, Gibson and Belden, is before me for consideration.

I observe the request "that in case the Governor of the State of Montana nominates said justices provided for in said bill so that such nominations may appear in said bill when the same comes before the House for action, that the House of Representatives will vote for the passage of said bill without amendment as to the Governor's nominees therein."

It has been my purpose at all times, as indicated in my previous message to this Assembly, to submit the executive nominations for the judicial positions to be created to the Senate for the approval or rejection of that body. I appreciate the recognition of the executive prerogative contained in your resolution and interpret it to mean that the membership of the House requests that the nominations be now submitted to the Senate. It is understood that the request of the House is based upon an interpretation of the Constitution to the effect that the names must go in the bill in order that terms of different lengths may be prescribed. Without yielding my views as to the legal contention, I shall forthwith transmit the nominations to the Senate in order that those who entertain such belief may have an opportunity to take such precautions as to them may seem expedient.

S. V. STEWART,

Governor.

PROCLAMATIONS

MOTHERS' DAY, 1913.

Only a few years ago a movement was inaugurated for the observance of the second Sunday in May as Mother's Day. The idea awoke instant response in the hearts of the people, and the movement has grown until today this occasion is observed in many of the States of the Union.

It is held to be profitable for the men and women of this age of intense commercial and industrial activity to divert their minds from the usual channels and concentrate them upon some uplifting and cheering and helpful subject. This being true, is there aught that could have so blessed an influence as a season devoted to "the best mother who ever lived—your mother?"

I, therefore, hereby designate Sunday, the eleventh day of May, one thousand nine hundred thirteen, as Mother's Day, and urge upon the people of Montana an observance of the occasion in keeping with the spirit that prompted the founding of this May festival. If your Mother be with you, let the day be one of more marked tenderness towards her; if you be separated from her by a State or a continent, write to her and tell her something of the adoration that is her due; and if she has passed over the river that naught save eternity can bridge, then should the day be hallowed by your thoughts of her ever watchful love and sacrifice for you.

Let this be a day of family reunions and of precious memories, and if there be two thoughts of Mother where otherwise there might have been only one, then shall the day and the occasion have beautifully served their purpose.

S. V. STEWART,
Governor.

THANKSGIVING DAY, 1915.

Once again we approach the season when the American people with one accord make public acknowledgment to the All-wise Ruler of the universe for His mercies during the year that has sped by. The year has been in some respects the most momentous in history. During all of the twelve months the Nations of Europe have been locked in deadly strife, and as yet there seems little ground for hope that they may speedily come out of the welter of war in which they have engaged with such fearsome fury.

Set over against this scene of unending bloodshed, how infinitely attractive is the picture of our own land, which has by the wisdom of its officers in high places been kept free from all participation in the conflict, so that it stands today the one great power in the world that is not involved in a struggle the cost of which cannot be reckoned by human mind.

In our own beloved State of Montana there have been countless evidences of the favor of Providence, both on the spiritual and the material side. Our churches and the organizations for the relief of suffering humanity have widened the scope of their influence and are cheered on to still greater endeavors on behalf of the sin-sick and the physically-ill. Good seasons have made the husbandman to prosper, and in all of the avenues of trade and industry the year has been one worthy to be called good.

The Grim Reaper has taken his toll among us, and many hearts are sore with grief because of the passing of loved ones; others who have gone down into the depths of despair at the bedside of the beloved have been made to rejoice and give thanks because of their restoration to health and strength. Come weal or woe, our people see and bow to the will and the infinite wisdom of a loving Heavenly Father, who doeth all things well.

Now, Therefore, I, S. V. Stewart, as Governor of the State of Montana, do hereby join the President of the United States in designating and setting apart Thursday, the twenty-fifth day of November, as Thanksgiving Day.

And I do earnestly beseech the people to make their observance of the occasion one that will show first of all their spirit of appreciation of the gifts of the past year. Let us gather at our several houses of worship, in our homes, or at such places as to us may seem most fitting, and there give unfeigned thanks to Almighty God for the blessings He has showered upon us, speaking neither proudly nor boastfully but in all humility of spirit.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at the City of Helena, the Capital, this the 22nd day of October, in the year of our Lord one thousand nine hundred fifteen and of the independence of the United States of America the one hundred fortieth.

S. V. STEWART.

By the Governor:

A. M. ALDERSON,

Secretary of State.

REGISTRATION DAY, 1917.

Whereas, The President of the United States has designated Tuesday, the fifth day of June, A. D. 1917, as the date for registration under the provisions of the Selective Draft Act; and

Whereas, It is desirable that the people of Montana shall do all within their power to further the work of registration under this Act:

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, do hereby declare and proclaim that Tuesday, the fifth day of June, A. D. 1917, shall be a Legal Holiday in the State of Montana.

And I do earnestly urge upon the loyal citizens of the State to give such aid and assistance as may be within their power to the County and City Registration Boards on that day, to the end that the registration of our citizens under the terms of said Act may be promptly accomplished, as further testimony of the spirit of wholehearted patriotism that imbues our people in the grave situation that confronts us.

Our people might with profit make the day the occasion of a great patriotic demonstration, by the holding of public meetings, parades or gatherings of kindred nature, whereby the love of country that lies deep within the souls of all of us shall be given powerful expression and the world be made to see the devotion to our beloved land that animates us in the conflict upon which we have entered and to which we have dedicated our material resources and our lives, if need be.

I am firmly grounded in the belief that our people will not fail to observe the day in a manner that will entirely befit the solemnity of the occasion.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at Helena, the Capital, this the twenty-second day of May, in the year of our Lord one thousand nine hundred seventeen and of the independence of the United States of of America the one hundred forty-first.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

RED CROSS WEEK, 1917.

In the prosecution of the war that has been so wantonly thrust upon the United States it becomes imperative to organize nursing and relief work upon a scale commensurate with the magnitude of the operations of our armies in the field.

The world has justly come to look upon the Red Cross Society as the greatest agency in existence for the alleviation of the suffering that is entailed by the prosecution of war.

Realizing to the full the duty that will devolve upon it, the American Red Cross is making a vigorous campaign for funds with which to maintain its magnificent work. This campaign is to be waged with special vigor during the incoming week. Public spirited men and women in Montana, as in every other State in the Union, will give their strenuous effort to the task of securing contributions for the amount allotted to the State.

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, do hereby join the President of the United States in designating and setting apart the week beginning Monday, June 18, 1917, as

AMERICAN RED CROSS WEEK,

and I do most earnestly urge upon our people that they respond with characteristic generosity to this appeal of the Red Cross. The work of the Society is a most important essential in the conduct of the war, and no one who appreciates the gravity of the crisis and who lays claim to loyal, patriotic citizenship can permit the appeal to go unheeded. It shall not be said of Montana that she failed to "do her bit" for the maintenance of the principles for which the Stars and Stripes so eloquently stand.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at Helena, the Capital, this the fifteenth day of June, in the year of our Lord one thousand nine hundred seventeen and of the Independence of the United States of America the one hundred forty-first.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

LIBERTY LOAN DAY, 1918.

The hearts of the people of the Nation are fixed upon one great plan and our loyal citizens are a unit in one supreme determination—the fighting of the war to a victorious finish, to an uncompromising victory, and that as speedily as possible.

In furtherance of this plan the Government is about to offer to the people the bonds of the Fourth Liberty Loan, the campaign for the sale of which is to open on the twenty-eighth day of September.

Therefore, I, S. V. Stewart, as Governor of the State of Montana, do hereby designate Saturday, the twentyeighth day of September, A. D. 1918, as Liberty Loan Subscription Day in said State.

Montana is intensely proud of the great number of men she has contributed to all branches of the service in the existing crisis, many of whom are now with the overseas forces. While we mourn the loss of those of our men who have made the supreme sacrifice and died the death of heroes, our hearts are quickened by the knowledge that they have had large share in what will eventually prove the utter elimination of Kaiserism from the face of the earth.

Having thus proved our loyalty through our contributions to the actual fighting forces, it remains for those of us who may not have a place in the battle line to do everything within our power financially to maintain our men in the field. The Liberty Bonds are the great medium whereby this can be done. Montana's record in the previous loans is one in which we feel keen pride, and I am confident that the allotment to this State for the Fourth Loan will be promptly subscribed.

Let us, on the day designated, be quick to make our subscriptions, taking of the Bonds to the limit of our financial ability. Let all Montanans be of one mind. It is a matter in which there can be no politics, no creed, no slightest division of sentiment. And may the result of the campaign prove an inspiration to our own brave men and those of our sister States, giving them an earnest of our determination to leave nothing undone that will aid them in the righteous cause for which they so valiantly strive.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at Helena, the Capital, this the fourteenth day of September, in the year of our Lord one thousand nine hundred eighteen.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

ARMISTICE DAY.

Today, after many weary months of waiting and fighting, American and Allied arms have achieved success and American principles have been recognized the world around. The glad tidings of victory have brought joy to the heart of every liberty loving citizen of the United States. The people of Montana have proudly done their part in all things looking toward this moment of wonderful consummation. It is but right and proper that we should rejoice and give thanks.

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, do hereby declare and proclaim this Monday, the eleventh day of November, A. D. 1918, a legal holiday in the State of Montana.

May the people celebrate it in such spirit and by such means as to impress not only upon this generation, but upon all the generations to come, the importance of the day, which will, as time goes on, mean to the world at large exactly what the Fourth of July means to the American people.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at Helena, the Capital, this the eleventh day of November, in the year of our Lord one thousand nine hundred and eighteen.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

THANKSGIVING DAY, 1919.

Mindful of one of our beautiful American customs, I, S. V. Stewart, Governor of the State of Montana, do hereby join the President of the United States in designating and setting apart Thursday, the twenty-seventh day of November, next, as Thanksgiving Day.

The year that is passing has brought to the people of Montana the usual number of vicissitudes that fall to the lot of mortals, while in some instances unpropitious seasons have laid additional burdens upon our citizens. But they have been permitted to enjoy life and liberty and the companionship of loved ones and friends, and they will not permit themselves to be crushed by temporary reverses such as some have experienced. They are upheld by an unshakable faith in the infinite justice of an all-wise Providence and in the ultimate triumph of the right, and they are proceeding diligently and hopefully with the work of carving out their destiny.

I therefore earnestly recommend that the people on this day lay aside their daily tasks and gather at their firesides, in their community meeting places or their houses of worship, as the case may be, and there render thanks to Almighty God for the blessings that have been theirs by His divine favor, at the same time offering prayer that His hand may guide them in all of the trials that may be in store and bring them finally to the enjoyment of a peace that shall be everlasting.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at Helena, the Capital, this the seventh day of November, in the year of our Lord one thousand nine hundred nineteen and of the Independence of the United States of America the one hundred forty-fourth.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

COAL STRIKE OF 1919.

Today the people of Montana are facing a most serious situation, a condition that may at any moment become a tragedy. The coal mines of Montana, the principal fuel sources of our people, are closed. Suffering and privation have ensued and the most serious consequences are bound to result from a continuance of the existing conditions.

Differences between the operators and the striking miners have been carried to the Federal Government, which has decided that a wage increase of fourteen per cent without an increase in the price of coal to the consumer, is just and equitable and should solve the difficulties for the moment. The operators have accepted that decision and have attempted to produce coal but the miners refuse to accede to the decision and are still idle, apparently determined to remain so indefinitely in the face of what may easily become the worst catastrophe this section of the country has ever endured.

Many expedients have been suggested, such as the taking over of the mines by the Federal Government or by the State. None of these, however, would seem to suffice, as it is not a question as to employers but one of general adjustment of conditions throughout the industry in the United States. Wages and hours are the subjects of contention. The Government has decided these questions and the Fuel Administration has promulgated its order. The State and the people are bound thereby. It is not to be assumed that the miners would return to work more quickly under State or Government operation unless other conditions were changed; unless, in fact, their strike is won throughout the country. Furthermore, it is apparent to all familiar with the situation that no local adjustment may be made of the differences in this field so as to insure a return to work here unless a general settlement shall have been effected in the eastern and central fields.

In the emergency it has been deemed wise to invoke the aid of the highest element of protection available in order that workers may be protected. Accordingly, at the request of the State of Montana, United States troops have been brought into the several coal fields of the State for the explicit purpose of affording protection to any and all persons who may desire to work in or about the mines. These troops will be stationed at Sand Coulee, Roundup, Red Lodge and Bear Creek, where it is hoped that volunteer workers may be enlisted in the production of coal under the protection thus afforded.

The right of our citizens to life, liberty and the pursuit of happiness must be held inviolate. The rights of the whole people are paramount to the rights of the few and no man or group of men should be permitted to endanger and possibly sacrifice the health and the lives of innocent citizens because of differences that could and should be adjusted without recourse to steps so disastrous in their possible consequences as those taken in the present instance. If it be possible for any minority, whether large or small, whether employer or employe, whether worker or owner, to usurp the powers of the majority and dictate to the whole people, then, indeed is the term "justice" as erected under our form of Government a mockery and the Republic itself a failure and unfit to endure.

When personal liberty becomes license, then must peace become pandemonium and order become chaos. I cannot believe that the vast majority of the people of this country will sit quietly by and permit a small minority to slowly freeze them to death even under the guise and claim of personal liberty. We have always heretofore boasted that the rights of the citizen in public affairs were subordinate to the rights of all the citizens. Whatever may be the merits of the present controversy, it is evident to all that the people of this country need fuel, have a right to get fuel and must have fuel even though abuses may exist in the coal mining business. The troops have not been brought to Montana to support the cause of either side to the controversy. They have been

stationed in the coal fields in the hope that the protection thus afforded will make possible the production of coal. They will not take up the cause of either side to the controversy, but they will represent and do represent the majesty of the law, the power, the will and the authority of the Government of the United States exercised in behalf of those who constitute that Government, the people themselves, and called into action in response to the demand of a lawful, a suffering and a righteously indignant majority.

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, being mindful of the grave emergency confronting the commonwealth and the people, do hereby call upon the able-bodied men of the State to come to the help of the citizens, the men, women and children of Montana, now in need of fuel, that they may have comfort and preserve life, by volunteering to work the mines. The demand for action is insistent and well nigh universal and it should appeal to the loyalty and the humane spirit of everyone. Protection will be afforded to every man who desires to respond to the call and thus discharge a high duty not often given to man to perform for his fellow man. In the name of the State and in humanity's cause I appeal to the men of Montana, firm in the faith that they will not fail in this hour of crucial test.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at the City of Helena, the Capital, the sixth day of December, in the year of our Lord one thousand nine hundred nineteen.

S. V. STEWART.

By the Governor:

C. T. STEWART,

Secretary of State.

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